



General Assembly

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8 September 2015

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Human Rights Council

Thirtieth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Women's Human Rights International Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Women & Sustainable Development Goals

Despite positive developments in the delivery of basic education, girls and women still face numerous large hurdles to their equality in higher education and the labour market. The possibility to support oneself and ones children is crucial to female independence at any level of development. Salary disparities and other barriers in the labour market, often created rather than alleviated by states, therefore have consequences that reach deep into the private lives of women. We therefore ask all members of this Council to reconsider their educational, child bearing and employment policies from a female independence perspective.

We strongly agree with the 2015 report of the Working Group on Discrimination Against Women in Law and Practise that "the transition towards equality between women and men, and girls and boys, in the culture and in the family is a prerequisite for a decent society" and that the state must act as an agent of change.

Womens' rights and opportunities stand at the center of many of the worlds key challenges; civil and international war, poverty, economic development that benefits all and dealing with climate change. A crucial component in overcoming all of these challenges must be solidarity between women around the world. It is encouraging to see positive developments in female political participation around the world, although we still have a long way to go. The time has come to leverage that achieved influence to leapfrog ahead and help all women disproportionately exposed to violence, poverty and risk.

In September, countries will have the opportunity to adopt a set of global goals to end poverty, protect the planet, and ensure prosperity for all as part of a new sustainable development agenda. Women's Human rights international Association specifically emphasizes over Goal 5 this program. we request for all country the follow and implement it:

Goal 5: Achieve gender equality and empower all women and girls

End all forms of discrimination against all women and girls everywhere

Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation

Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate

Ensure women's full and effective participation and equal opportunities for leadership at all levels of decisionmaking in political, economic and public life

Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences

Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws

Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women

Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels



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Written statement^{*} submitted by the Liberal International (World Liberal Union), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle



Responsibility to protect ten years on: strengthening the global approach to the prevention and elimination of mass atrocities

Liberal International welcomes the latest report of the UN Special Advisor on the Responsibility to Protect, Dr. Jennifer Welsh, to the 68th Session of the UN General Assembly and fully aligns with its conclusions on the necessity to build stronger global partnership when it comes to the collective responsibility of implementing the Responsibility to Protect principle.

This statement would like to pay particular attention to the need to strengthen the global approach to the prevention and elimination of mass atrocities in an age when armed conflicts and violent extremists' attacks on basic human rights and freedoms are on the rise.

Recognizing that:

- 10 years since the establishment of the Responsibility to Protect (RtoP) Principle little progress has been achieved in its wider implementation
- Military intervention as a policing operation is not an outright application of force when implementing RtoP
- RtoP should be implemented only as a last resort with efforts on prevention coming first
- Collective action must be taken only when peaceful means are inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity
- The armed conflict in the Syrian Arab Republic remains unresolved constituting the largest failure of the international community to prevent mass killings since the inception of the RtoP principle with more than 200,000 Syrians killed so far, 4 million registered as refugees and 7 million as internally displaced people
- According to the Armed Conflict Location and Event Data Set, the number of conflicts in Africa has tripled for the past few years

Expressing deep concern that:

- The UN Security Council has so far failed to express a clear view on the mass atrocities in Syria and so failed to protect the people of Syria
- While RtoP has evolved as a concept, it has failed to incorporate further dimensions such as the responsibility to intervene and to rebuild: two dimensions absolutely vital for the successful resolution of any humanitarian crisis
- Humanitarian assistance has become more and more politicised
- Too many perpetrators of war crimes continue to evade accountability with such impunity denying victims justice and reparations and producing an environment conducive to the continuing perpetration of these crimes
- Major challenges towards the implementation of the RtoP doctrine remain due to a lack of political will, different interpretations of what constitutes a "war crime" and inadequate resource-allocation to peace-keeping missions around the world

Stressing on the fact that:

- The use of force under the RtoP concept should reflect a view of "sovereignty to protect", with each state adopting a positive duty to protect its own citizens

-Regional organisations have an important role to play in situations where intervention on humanitarian ground is necessary and therefore should be empowered to carry just as much responsibility in atrocities prevention and elimination as the UN Security Council

-There needs to be a commitment to avoiding conflict at all times by using peaceful means and putting the primary objective on prevention not on military intervention

-Preventing genocide should be a core national security principle and a moral responsibility

-The recent veto by the UN Security Council on a resolution commemorating the Srebrenica genocide represents a major setback in the global commitment towards the fulfilment of the RtoP principle and will significantly hinder the ability to prevent genocides in the future

Recalling:

-Its Resolution to the 28th Session of the UN Human Rights Council on the protection of human rights in areas of conflict which called on the United Nations to attempt a political solution offering protection and participation of all Syrian groups in the future democratic political solution for Syria based on democracy, human rights and the rule of law

-Its Resolution to the 24th Session of the UN Human Rights Council on the ever-deteriorating crisis in the Syrian Arab Republic which urged the Human Rights Council to recommend to the Security Council to refer the situation in Syria to the International Criminal Court

-Its Resolution on the 53th Congress in Sofia which called for the advance of the international community's sense of obligation to intervene and prevent widespread atrocities

Calls:

-On the international community to invest in development, economic capacity and democracy-building in fragile states as a first step to preventing mass atrocities

- On all UN member states to assume the interrelated responsibilities to prevent, to react, and to rebuild in situations of mass atrocities

- For the strengthening of the International Criminal Court as the first permanent international judicial body mandated to investigate the commission of atrocity crimes

-On all UN member states to ratify the Rome Statute and so strengthen the scope and legitimacy of the ICC

- On all signatory states of the Rome Statute to fully comply with their obligations and support the ICC by arresting suspected war criminals that are in their jurisdiction and transfer them to The Hague

-For the inclusion of women in the prevention and re-building aspect of the RtoP principle

-On the United Nations to develop a rapid-response mechanism for addressing urgent humanitarian crises and armed conflicts including but not limited to a corps of military officers available for deployment in cases of authorised intervention under a RtoP UN Security Council resolution

-On the international community to formulate a strategy on how to deal with mass atrocities committed by non-state groups such as Daesh, Boko Haram, Al-Shabaab, Al-Qaeda, and others

-On regional organisations to assume prime responsibility for the prevention and elimination of mass atrocities in their respective regional areas as the only way towards achieving long-term conflict resolution

Commits:

-For its Human Rights Committee to continue to work towards the mobilisation of global support for the application of the RtoP principle as a core priority of its human rights policy development activities

-For its liberal parliamentarians to develop a roadmap on the future of RtoP as a direct outcome of the bi-annual meeting of LI Human Rights Committee commemorating the ten year anniversary since the establishment of the principle

-For its liberal parliamentarians to continue to promote public debate about RtoP and support the work of academic institutes and NGOs in order to promote knowledge of the principle

-To build a broader coalition on the importance of promoting RtoP as a model for effective international collaboration by involving other political internationals and like-minded human rights organizations

-To continue to raise awareness about the importance of preventing humanitarian crises and genocide by engaging with relevant regional and international actors, liberal leaders in government and opposition and the broader civil society sector





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Human rights situations that require the Council's attention

Written statement* submitted by the Human Rights Now, a non-governmental organization in special consultative status

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Please recycle



ISIL's sexual violence against Yazidi and other women and girls must be ceased immediately

1. Background

The Islamic State in Iraq and the Levant (ISIL), which has occupied North Iraq since 2014, continuously targets specific ethnic or religious minorities including Yazidis, Christians, Turkmen and Shia, and subjects them to physical, sexual and other forms of brutal violence.

Among these groups, Yazidis, in particular, have been systematically targeted by ISIL, and a number of Yazidis have been hunted down and killed, enslaved, deprived of physical liberty, tortured, raped or made sex slaves. Although some parts in North Iraq once under ISIL control have now been liberated, it is reported that 3,000 to 3,500 people, mostly Yazidi women and children, remain in captivity by ISIL.¹ When ISIL captured Yazidis, they separated men and women. ISIL forced Yazidis to convert to Islam and killed the men who refused to convert. Yazidi women, including young girls who converted to Islam, were forced to marry ISIL fighters, and those who refused were treated as sex slaves or killed.²

ISIL's actions towards women, especially Yazidi women, have been ruthless. Sexual violence against women and girls is conducted as a part of ISIL's strategy to spread terror among those who oppose ISIL's ideology. Access to women and girls is also used to recruit ISIL fighters, and ISIL raises funds through selling or ransoming captured Yazidis and other women and girls.³ According to OHCHR's report on ISIL, ISIL regards women and children in ISIL captivity as "spoils of war which it owns."⁴ Yazidi women and girls are raped through forced marriage, allotted as 'gifts', and sold repeatedly by ISIL fighters, thereby subjected to repeated sexual assault and rape. ISIL has published pamphlets and magazines justifying the sexual enslavement of Yazidi and other women and girls.⁵ It is difficult to obtain accurate numbers and locations of women and girls

¹ The figure is as of April 2015, see UNAMI/OHCHR 'Report on the Protection of Civilians in Armed Conflict in Iraq: 11 December 2014 – 30 April 2015' (13 July 2015)

² UNAMI/OHCHR 'Report on the Protection of Civilians in Armed Conflict in Iraq: 11 December 2014 – 30 April 2015' (13 July 2015), 'Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups' (A/HRC/28/18) (27 March 2015)

³ UNAMI/OHCHR 'Report on the Protection of Civilians in Armed Conflict in Iraq: 11 December 2014 – 30 April 2015' (13 July 2015), Security Council 'Conflict-related sexual violence Report of the Secretary-General' (S/2015/203) (23 March 2015), UN News Centre 'Senior UN official warns of 'widespread and systematic' sexual violence in Syria, Iraq' (7 May 2015), available at: <http://www.un.org/apps/news/story.asp?NewsID=50794#.VdBHNUJ1QTY>, UNAMI Press Releases & Statements 'UN Special Representative of the Secretary-General on Sexual Violence in Conflict Concludes Five-Country Visit to the Middle East Rape, Sexual Slavery and Forced Marriage Used as Tactics of Terror' (11 May 2015), available at: http://www.uniraq.org/index.php?option=com_k2&view=item&id=3764:un-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-concludes-five-country-visit-to-the-middle-east-rape-sexual-slavery-and-forced-marriage-used-as-tactics-of-terror&Itemid=605&lang=en

⁴ 'Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups' (A/HRC/28/18) (27 March 2015)

⁵ 'Questions and answers on taking captives and slaves' that describes how to treat captured women and girls,' see BBC News 'Islamic State: Yazidi women tell of sex-slavery trauma,' available at: <http://www.bbc.com/news/world-middle-east-30573385>, *Dabiq* vol.9, see UNAMI/OHCHR 'Report

in ISIL captivity because they are frequently transferred to different places, including abandoned houses, schools and prisons within ISIL territory including Syria.⁶ ISIL frequently displaces captive women and girls in order to mentally control them.

2. Recent interviews with Yezidi women

Japan Iraq Medical Network (JIM-NET), a Japanese nonprofit organization, in collaboration with Human Rights Now, conducted interviews with ten (10) Yezidi women and girls aging from twelve (12) to thirty (30) who were captured by ISIL at the beginning of August 2014 when ISIL attacked the Sinjar District in Northwest Iraq, where many Yezidis lived. They escaped from their abductions and fled to the Kurdistan region around May to July 2015. These recent interviews clearly demonstrate that ISIL fighters continue to subject Yezidis to cruel and inhuman treatment as reported in the OHCHR report.⁷

According to our interviews with Yezidi women and girls, when they were captured by ISIL, they were separated from Yezidi men and then frequently moved within ISIL occupied areas, including Sinjar, Tal Afar, and Mosul, Iraq, and Raqqa, Syria. They were detained in many places such as prisons, schools, abandoned houses or houses of ISIL fighters. For instance, a 12-year-old Yezidi girl stated that she was taken to an abandoned house in Syria with two of her cousins and was raped by two ISIL fighters once every three days.

Yezidi women were repeatedly sold or exchanged with other Yezidi women among ISIL fighters and raped. Often, they were repeatedly forced to 'marry' ISIL fighters and raped. For example, a 19-year-old Yezidi girl stated that she was sold or exchanged among five ISIL fighters. Another woman was first forced to marry (and hence be raped by) an ISIL commander, and was then sold to his cousin in Syria the next day; and after 25 days, she was again sold to another ISIL fighter who died 15 days later. She was then taken to another man in Syria as a housekeeper.

Many Yezidi women and girls talked of inhuman treatment by ISIL fighters including physical abuse, confinement and limited food. For instance, a 19-year-old Yezidi girl said that she was confined in a locked house and was not given water or food for 24 hours. Moreover, a 15-year-old Yezidi girl stated that she was sold to an ISIL fighter, and when she resisted being raped by him, he broke her front teeth by hitting her with a wooden stick. Furthermore, another 15-year-old Yezidi girl said that when she disobeyed orders made by ISIL fighters, they confined her in a toilet for 20 days and did not provide meals except for a piece of bread and a bottle of water per day.

The interviewed women and girls managed to escape ISIL captivity. Some of them were able to escape because their relatives paid some men to help them escape. However, many of the interviewed Yezidis said they have family members who remain in ISIL captivity; or they do not have any information about some of their family members.

on the Protection of Civilians in Armed Conflict in Iraq: 11 December 2014 – 30 April 2015' (13 July 2015)

⁶ UNAMI/OHCHR 'Report on the Protection of Civilians in Armed Conflict in Iraq: 11 December 2014 – 30 April 2015' (13 July 2015), 'Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups' (A/HRC/28/18) (27 March 2015)

⁷ 'Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups' (A/HRC/28/18) (27 March 2015)

3. Recommendations

As stated above, human rights violations, in particular, inhumane sexual violence including sexual enslavement against Yazidi women are widespread and systematic attacks against civilians, which may constitute crimes against humanity. Many women and girls are in ISIL captivity and are subjected to ruthless abuse, which must be ceased immediately. Those who have perpetrated such human right abuses must bear criminal responsibility. In addition, the women and girls who escaped ISIL captivity experienced terrible physical and mental harm and are still suffering from trauma. It is essential that they be provided with appropriate medical and psychological treatment.

Considering the gravity of violations, Human Rights Now urges the Human Rights Council to make a resolution to request further investigation focusing on the issue of ISIL's sexual violence and other women and girls. Furthermore, we urge the Security Council to refer the situation of ISIL's sexual violence against Yazidi and other women and girls to the International Criminal Court to bring justice to the perpetrators for those crimes.

Additionally, we urge the Iraq Government to take all effective measures to address the issue, including liberating women and girls in ISIL captivity and protecting those who escaped ISIL captivity. We also urge the Iraq Government to respect and protect the fundamental human rights of all those living in the country, including religious, ethnic and sectarian minorities. The government must redress the root causes of the conflict, restore rule of law, and ensure justice and accountability for all grave human rights violations.

Moreover, we urge the international community to provide long-term medical care and psychological support for the victims. We also request states to provide security, shelter and mental care for the victims, by accepting them as refugees and providing humanitarian treatment.



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Written statement* submitted by the Nord-Sud XXI - North-South XXI, a non-governmental organization in special consultative status

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Situation of Human Rights in Sudan*

The situation of human rights in Sudan deteriorated in a disturbing manner since the submission of the report of the Independent Expert, Prof. Mashood A. Baderin, to the 27th regular session of the Human Rights Council in September 2014 (A/HRC/27/69). Serious human rights abuses and crimes were reported in many parts of the country in flagrant violation of Sudan's obligations under international and regional human rights treaties. There are also reports about massive and systematic violations of international humanitarian and criminal law committed in regions of Sudan that witness internal armed conflicts such as Darfur, the Nuba Mountains and Blue Nile State.

Repression of human rights and fundamental freedoms in Sudan has been practiced by the State agents in many forms. The most common violations are arrests and detention of political opponents; torture and ill-treatment of detainees; curtailment of freedom of the press and media; violations of the right to religious freedom and belief; flogging and cruel inhuman and degrading punishments and treatment; suppression of the right to peaceful assembly and the dismantling of independent civil society. The victims of these human rights violations include people from all walks of life; such as students, journalists, human rights and pro-democracy campaigners as well as women and children.

The government continues to impose the National Security Act (NSA) as amended in 2010 despite national and international calls for its repeal, especially the provisions that sanction the commission of human rights violations and allows the security forces to arrest and detain people without charges or trial. Hundreds of political opponents have been arrested or prevented from leaving the country under NSA in 2014/2015. The list of such victims includes key political figures in Sudan such as Mr. Sadiq Al-Mahdi, President of Umma National Party and former Premier of Sudan, Mr. Ibrahim Al-Shiekh, President of the Sudan Congress Party, Dr. Mariam Al-Mahdi, Vice-President of the Umma National Party as well as Mr. Mohamed Abdalla El Doma, President of Darfur Bar Association. Political opponents are usually held under this NSA for several months before their release without charge or trial. On 7 December 2014, the security forces arrested Mr. Farouk Abu Issa Chairperson of the National Consensus Forces (NCF) and Dr. Amin Makki Madani, Chairperson of the Sudan Human Rights Monitor upon their return to Khartoum from Addis Ababa where they signed the Sudan Call. This political declaration called for democratic transformation in Sudan and an end to the armed conflict and violation of international human rights and humanitarian law. Mr. Farah Ibrahim Agar, senior advisor to the Sudan People's Liberation Movement-North (SPLM-N), had been arrested and detained on the same occasion. Despite the fact that Mr. Abu Eissa (78 years) and Dr. Madani (76) suffer from multiple diseases such as high blood pressure and diabetes, yet they were held for detained for 4 months, ill-treated and prevented from regular medical check-up.

In areas of Sudan affected by the armed conflict such as Darfur, the Nuba Mountains and Blue Nile State, the human rights and humanitarian situation is catastrophic. More than 3 million people live as internally displaced persons (IDPs) in Sudan with Darfur shouldering the lion's share and where more than 2.7 million people are languishing in miserable conditions for more than 10 years. The government continues to impose a state of emergency measures in the conflict-affected regions, which allows the military, police and other security agents and government's allied militia groups a *carte blanche* to commit all sorts of crimes under international human rights and humanitarian law with total impunity. The government continues to deny UN agencies free and unhindered access to the needy populations. International humanitarian organizations, including the International Committee of the Red Cross have been prevented by the government from accessing the conflict-affected areas in order to provide humanitarian assistance to thousands of desperately needy civilians. No independent humanitarian agencies are currently allowed by the government of Sudan to deliver relief material to the needy populations in areas controlled by the SPLA-N in the Nuba Mountains and the Blue Nile since the fighting started in June 2011. Thousands of children in areas controlled by the SPLA-N have been deprived of immunization during the last four years due to the government persistent rejection of any offer for an immunization campaign in these areas.

Darfur, which had been characterized by Prof. Baderin in his aforementioned report as: "... a major human rights tragedy for the country" where "... widespread human rights violations and large-scale civilian displacements due to the persistence of fighting between the Sudanese Armed Forces and armed opposition groups in the region", is the scene of a dramatic development with the deployment of thousands of militiamen. This militia is composed of the notorious Janjaweed, re-baptized as the Rapid Support Forces (RSF).

The crime of rape and sexual violence against women is a major concern in the armed conflict affected areas. On 30 October 2014, a large contingent of the Sudanese army reportedly attacked the civilian population in Tabit area in North Darfur State. During this attack the soldiers reportedly mass-raped more than 200 women and young girls. The men of the villages were arbitrarily arrested and detained where they were severely beaten and threatened not to report the incident to any external observers, including UN agencies and foreign reporters. Attempts of external observers as well as those of the African Union and the United Nations to investigate this incident were frustrated by the government of Sudan, which blocked the area to conceal any potential evidence. The government of Sudan prevented the African Union-United Nations Hybrid operation in Darfur (UNAMID) from carrying out a free and independent investigation of the incident.

Fighting between Arab groups over land control surged in Darfur in 2014 and 2015. It caused the death, destruction of villages and civilian installations as well as important internal displacement of civilians. In the first six months of 2015, inter-Arab tribal fighting in North, East and Central Darfur States resulted in hundreds of deaths and the displacement of about 200,000 persons. The renewed inter-tribal fighting in Darfur, where government soldiers reportedly took sides in support of their clans, is a reminder of the government inability to protect civilians in Darfur and to reign over its own security forces and ensure that they play a neutral role in ending such conflicts.

We call on the 30th regular session of the Human Rights Council to:

1. Strongly condemn the systematic and massive violations of international human rights and humanitarian law committed by the government of Sudan, particularly indiscriminate aerial bombardment of civilian targets and the use of food and other life-saving material including medicine and vaccine as tools of war against civilians in Darfur, Southern Kordofan and Blue Nile States.
2. Demands that the government of Sudan lift all restrictions on full enjoyment of basic civil and political rights, ends harassment of political opponents and put a halt to arbitrary detention, torture and ill-treatment of detainees.
3. Demand that the government of Sudan allows independent investigation of all allegations of sexual violence committed by the security forces in Darfur and make public the results of such investigation.
4. Urge the Security Council to ensure that the government of Sudan grants humanitarian agencies and relief organizations unhindered access to Darfur, Southern Kordofan and Blue Nile States.
5. Demand that the government of Sudan reforms all national laws and regulations that are incompatible with the country's regional and international human rights obligations; particularly it should repeal the Public Order Regime and amend all the repressive provisions of the National Security Act of 2010 and other laws granting immunity to officials.
6. Appoint a Special Rapporteur on the situation of human rights in Sudan under Item 4 of the Council agenda to replace the current mandate of the Independent Expert with a clear mandate to monitor and report to the Human Rights Council and the General Assembly on violations of human rights in all parts of Sudan.

*Darfur Relief and Documentation Centre, NGO without consultative status, also shares the views expressed in this statement.



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Japan's Military Sexual Slavery

1. Ongoing violations of victims' human rights

Survivors of Japan's military sexual slavery continue to suffer grave distress not only from the decades-long denial of their rights to justice and reparation, but also from increasing denials of the facts and to their dignity by some high-ranking public figures, politicians and the mainstream media in Japan. The government, moreover, has condoned such attempts, re-victimizing survivors.

Ignoring the recommendations reiterated by UN human rights bodies, including this Council,¹ the government has failed to take any legislative or administrative measures to provide justice and reparation to victims, or to raise awareness of the general public, particularly youth through correct history education, leaving them seriously deceived by propaganda denying the heinous crime.

2. Denial of historical facts

It is internationally recognized that the entire system of sexual slavery was planned, designed and operated by the Imperial Military of Japan. However, the government of Japan and the ruling Liberal Democratic Party (LDP), particularly under second Abe administration since December 2012, have redoubled their efforts to evade their obligations by narrowing down the debate to the manner of recruiting victims. Prime Minister Abe himself has repeatedly stated that no evidence has been found which directly suggests forcible recruitment by the army or authority.

In addition, following the Japanese mainstream newspaper Asahi Shinbun's retraction of its articles on the issue based on the testimony of a former Japanese soldier, Seiji Yoshida, in August 2014, right-wing critics and the media launched on an aggressive campaign accusing Asahi's present and former writers of distorting global perception on the "comfort women" issue. The media focused on minor flaws in Yoshida's testimony; however, these were not substantial enough to discredit all the evidence on the issue or to deny the existence of Japan's military sexual slavery system. Many politicians, including some members of the LDP, encouraged or condoned the campaign.

Moreover, last October Prime Minister Abe stated, "Now unjust slander is being circulated in the world portraying Japan as a nation that forced them into sex slaves."² He complained that many people had been hurt and frustrated by Asahi's wrong reports, which tremendously jeopardized Japan's reputation in the international community. Around the same time, the government of Japan requested Ms. Radhika Coomaraswamy, former UN Special Rapporteur on violence against women from 1994-2003, to "correct" part of her 1996 report related to the issue. The request, however, was immediately rejected.³

More recently, a special committee within the LDP tasked with "restoring Japan's honor and trust" issued a report stating that Japan should "object to erroneous recognition of the facts" concerning the "comfort women" issue, which have "significantly tarnished Japan's honor and trust."⁴ The report complained that some governments wrongly referred to "comfort women" as "sex slaves", which "presented a one-sided argument not backed by the objective facts." In addition to relevant Asahi articles, the report also criticized a response made by then Chief Cabinet Secretary Yohei

¹ For the latest recommendations of this kind, see Human Rights Committee's concluding observations on the sixth periodic report of Japan (UN Doc. CCPR/C/JPN/CO/6 of 24/July/2014, para. 14). See also its previous recommendations (CCPR/C/JPN/CO/5, para. 22). Many other UN human rights bodies that made recommendations pertinent to this issue include the Committee on the Elimination of Discrimination against Women (UN Doc. CEDAW/C/JPN/CO/6, para. 38), and the Committee on Economic, Social and Cultural Rights (UN Doc. E/C.12/JPN/CO/3, para. 26).

² Oct 3, 2014, Budget Committee, House of Representatives.

³ <http://www.japantimes.co.jp/news/2014/10/16/national/history/government-requests-revision-of-1996-u-n-sex-slave-report/#.VeF1B-15ifQ>

⁴ <http://www.japantimes.co.jp/news/2015/07/29/national/politics-diplomacy/ldp-panel-demands-counterarguments-false-allegations-comfort-women-issue/#.VeF37ul5ifQ>

Kono at a 1993 press conference—in which he asserted a factual basis for the Japanese military forcibly recruiting women to “comfort stations” or military brothels—for internationally spreading a false impression.⁵

As the Human Rights Committee rightly argues,⁶ whether victims were “forcibly deported” by Japanese military during wartime or “recruited, transported and managed in comfort stations” by entities on behalf of the military, any such acts carried out against victims’ will are sufficient to establish human rights violations involving the direct legal responsibility of Japan. So-called “false reporting” is not tarnishing Japan’s reputation, but a continued failure to acknowledge full responsibility for the military sexual slavery system and attempts to re-write history is.

3. Distortion of history education

The government of Japan has failed to follow the recommendations of UN human rights treaty bodies urging it to educate students and the general public about Japan’s military sexual slavery with adequate descriptions in history textbooks.⁷

Instead, the government has taken steps to prevent youth from learning the factual history through its authorization system of textbooks to be used in public schools. The system amounts to censorship practiced by the Ministry of Education to effectively exclude “unfavorable descriptions” from history textbooks. The number of junior high school textbooks including some reference to the “comfort women” issue started decreasing from 2002, and such textbooks had completely disappeared by 2012.

In a similar way, a number of history museums managed by local governments erased critical descriptions of “comfort women” from their exhibits.⁸ There was also a case where a municipality refused to let liberal citizens’ groups use its facilities for an exhibition on the “comfort women” issue, claiming that it would have led students to form a one-sided opinion on the issue.⁹ In contrast, many local municipalities throughout Japan have allowed right-wing groups to use public halls for their one-sided “Comfort Women exhibitions” justifying the sexual violence committed by the Japanese military and insulting the victims and survivors as prostitutes.¹⁰

4. Denial of Japan’s military sexual slavery outside Japan

Instead of taking measures to memorialize the issue outside Japan, the government of Japan has tried to change the views of other governments and international society critical of Japan’s policy on the issue.

In December 2014, the Ministry of Foreign Affairs requested McGraw-Hill Education, one of the major publishing companies in the U.S., to ‘modify’ some articles about the issue in their history textbooks. In rejecting the request, McGraw-Hill explained that the descriptions in question are based on historical facts. Prime Minister Abe himself criticized the McGraw-Hill textbook, stating that it inaccurately depicted Japan’s actions relating to the issue.¹¹ He pledged to increase efforts to fight what he called mistaken views abroad concerning Japan’s wartime actions. The LDP’s July 28, 2015 report also demanded the correction of “false” descriptions on “comfort women”.

⁵ Chief Cabinet Secretary Yohei Kono released the so-called “Kono Statement” in 1993 admitting that “[t]he recruitment of the ‘comfort women’ was conducted mainly by private recruiters who acted in response to the request of the military. The government study has revealed that in many cases they were recruited against their will, through coercion, etc., and that, at times, administrative / military personnel directly took part in the recruitment.”

⁶ UN Doc. CCPR/C/JPN/CO/6 of 24/July/2014, para.14

⁷ *Op cit* 1.

⁸ For example, Peace Museum of Saitama deleted a sentence about the “comfort women” issue in its chronology of Showa period in October 2013.

⁹ <http://www.japantimes.co.jp/news/2015/03/25/national/saitama-city-blocks-one-sided-exhibit-on-comfort-women/>

¹⁰ For example, between July and November 2014, at least 5 cities (Takatsuki-city, Ikoma-city, Sakai-city, Higashi-Osaka-city, and Nishinomiya-city) have allowed right-wing groups to use their public halls.

¹¹ http://www.nytimes.com/2015/01/30/world/asia/japans-premier-disputes-us-textbooks-portrayal-of-comfort-women.html?_r=0

In February 2015, in response to questions regarding the status of lawsuits filed by three Japanese plaintiffs living in Glendale, CA, USA, against the city, demanding the removal of a "comfort women" statue installed in a city park of Glendale, Chief Cabinet Secretary Suga said that "the erection of the statute is not reconcilable with the position and initiatives of our government."¹² The LDP's July 28, 2015 report also stressed the need for lobbying against the movement outside Japan to install statutes, memorials, or billboards, and to adopt resolutions, regarding "comfort women".

5. Recommendations

Endorsing the recommendations of UN human rights bodies and mechanisms, Human Rights Now would like to suggest this Council renew its recommendations to the Japanese government as follows:

- (a) Officially acknowledge legal responsibility for the crime of planning and operating the sexual slavery system as committed by the Imperial Military of Japan, including the forcible nature of the system;
- (b) Apologize unreservedly to the victims and survivors to restore their dignity;
- (c) Prosecute and punish perpetrators who are still alive with appropriate penalties;
- (d) Refrain from any attempt to deny the facts or negate responsibility;
- (e) Refute and sanction any attempts to deny the facts or to defame and re-traumatize the victims through repeated denials;
- (f) Take immediate and effective measures, both legislative and administrative, and provide all survivors with appropriate remedies;
- (g) Disclose all relevant documents, information, and other materials in the government's possession;
- (h) Acknowledge survivors' oral testimony as solid evidence; and
- (i) Educate students and the general public about this issue by citing the factual events in all history textbooks and other educational materials, and at public facilities and memorials.

Human Rights Now also suggests that a new mechanism be established to enable the Human Rights Council to effectively prevent UN member states, particularly the members of this Council, from: concealing or denying the facts relating to grave human rights violations, justifying atrocities, neglecting to provide remedies to victims, and re-traumatizing

¹² <http://www.japantimes.co.jp/news/2015/02/26/national/politics-diplomacy/korean-american-activist-raps-sugas-response-to-failed-lawsuit-against-comfort-woman-statue/#.VeF4Wcl5iRQ>



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Thirtieth session

Agenda item 7

Human rights situation in Palestine and other
occupied Arab territories

Written statement* submitted by the Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



The international community must make all effort to end the impunity and humanitarian crisis in Gaza

1. Introduction

Human Rights Now (HRN), a Tokyo-based international human rights NGO, welcomes the work of the United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict (hereinafter "the Commission") and supports the Commission's findings and recommendations stated in its report of 14 June 2015. In particular, we call on the international community to face up to the indiscriminate attacks against the people of Gaza as a consequence of the conflict, which have killed thousands of civilians.

Further, during the Gaza Conflict, Israel targeted critical infrastructure such as medical facilities, schools, and electricity delivery. The attacks and the continuing blockade of the Gaza Strip have caused devastating impacts on a wide range of fundamental human rights and should be recognized as serious human rights violations. The international community should take immediate action to end abuses of the Palestinian people's fundamental human rights.

2. Indiscriminate Attacks against People in Gaza

In its report, the Commission concluded that in the Gaza conflict serious violations of international humanitarian and human rights had been committed by both parties, some of which may constitute war crimes.¹ As it found, 1462 Palestine civilians, including 299 women and 551 children, were killed by the Israeli Military.²

The Commission suggested that "the attacks of the Israel Defense Forces on residential buildings; the use of artillery and other explosive weapons ... in populated areas; [and] the destruction of entire neighborhoods" raise serious questions as to whether Israel's military policy violates the laws of war.³ Moreover, the Commission's findings regarding a series of Israeli attacks on UNRWA (United Nations Relief and Works Agency for Palestine Refugees) schools sheltering civilians show persistent patterns of alleged war crimes.⁴

We echo the Commission's assessment that "[t]hose responsible for suspected violations of international law at all levels of the political and military establishments must be brought to justice."⁵ The prevailing impunity for alleged crimes in Gaza and the West Bank by Israeli forces, as well as Israel's persistent failure to implement the recommendations made by the UN mechanism, significantly contribute to a recurrence of gross human rights violations against the Palestinian people. To date, the investigations implemented by Israel's Government have been far from satisfactory. The international community must take all effective measures to put an end to impunity, injustice and further recurrence.

On the other hand, those Palestinians responsible for suspected violations of international law also need to be investigated. Six Israeli civilians, including one child, were killed by the indiscriminate attacks of Palestinian armed groups during the conflict.⁶

¹ Para 668, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

² Para 574, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

³ Para 671, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4).

⁴ Para 446, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

⁵ Para 664, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

⁶ Press release, Humanitarian coordinator calls for an accelerated recovery effort for the Gaza Strip one year after the 2014 hostilities, at: http://www.ochaopt.org/documents/press_release_7-7-2015.pdf

The ICC prosecutor should accelerate the ongoing preliminary examination of the alleged crimes committed during the Gaza Conflict and start the criminal investigations of those crimes immediately. Both the Israeli and Palestinian governments should fully cooperate with the ICC's investigation, and the international community should also support this accountability mechanism.

3. Incalculable Delays in Reconstruction

Alongside the high number of civilian fatalities, the damage caused by the destruction of civilian infrastructure stemming from the attacks in the Gaza conflict is enormously high and estimated to be around 1.4 billion dollars.⁷

18,000 housing units in Gaza were destroyed or damaged.⁸ Water and sanitation facilities in Gaza were heavily affected by the escalation of violence with 63 water facilities damaged and 23 completely destroyed.⁹ These deficits were exacerbated by the partial or total destruction of 209 schools caused by the attacks on Gaza.¹⁰ Finally, 15 hospitals and 51 primary health care clinics were damaged and one hospital and 5 clinics completely destroyed, alongside with the incapacitation of tens of ambulances and the decimation of health care personnel.¹¹ This destruction of critical infrastructure strongly impacts the enjoyment of a wide range of human rights such as the rights to security, sanitation, health, privacy and family life.

Since the Gaza conflict, humanitarian organizations and international donors have supported the reconstruction of Gaza and provided financial aid. Further, at the Cairo Gaza Reconstruction Conference in October 2014, Palestine, Israel and the UN established a mechanism to facilitate the entry of construction material.¹² However, these efforts aimed at facilitating reconstruction have been too slow and lamentably inadequate to address the immense needs in Gaza. Approximately 100,000 people remain internally displaced; 120,000 people are disconnected from the water supply; and 73 percent of the population suffers from food insecurity.¹³

This is mainly because of Israel's blockade on Gaza, which prevents essential construction material from reaching the people in need.

According to a petition proposed by 35 aid organizations, only 5 percent of the 6,700,000 tons of construction material needed to rebuild the buildings and facilities destroyed in the war have been permitted to enter Gaza.¹⁴ At this rate, it is estimated reconstructing the Gaza Strip could take up to 17 years.¹⁵ As a consequence, not a single home has been rebuilt in the last year.¹⁶

⁷ Press release, Humanitarian coordinator calls for an accelerated recovery effort for the Gaza Strip one year after the 2014 hostilities, 7 July 2015

⁸ Para 576, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

⁹ Para 61, Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolution S-9/1 and S-12/1 (A/HRC/28/80/Add.1)

¹⁰ Para 585, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4)

¹¹ Para 591, Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council Resolution S-21/1 (A/HRC/29/CRP.4).

¹² UN Daily News, at: <http://www.un.org/News/dh/pdf/english/2015/07072015.pdf>

¹³ Press release, Humanitarian coordinator calls for an accelerated recovery effort for the Gaza Strip one year after the 2014 hostilities, at: http://www.ochaopt.org/documents/press_release_7-7-2015.pdf

¹⁴ https://secure.avaaz.org/en/gaza_blockade_aida/?1440413696.

The 35 aid organizations include members of the Association of International Development Agencies (AIDA), a coordination forum of over 80 international NGO and NPO organizations working in the occupied Palestinian territory and other regional networks working closely with AIDA.

¹⁵ The Shelter Cluster, Construction Material Tracking for Gaza, at: <http://shelterpalestine.org/Upload/Doc/741ec903-0c96-47fa-93ee-e320417e7dc4.pdf>

¹⁶ https://secure.avaaz.org/en/gaza_blockade_aida/?1440413696

Considering the humanitarian crisis in Gaza, the blockade constitutes collective punishment, another war crime committed by the Israel under the Fourth Geneva Convention. Israel must lift the blockade immediately and unconditionally.

International donors at the Cairo Conference had pledged 5 billion USD to the Palestinian Territories, of which 3.5 billion USD were intended to support Gaza. However, on 15 May the disbursement ratio had only reached 27.5 percent.¹⁷ The international community must increase their efforts to support the reconstruction process in Gaza.

4. Recommendations

- (1) HRN calls upon the government of Israel to respect and ensure compliance with international human rights and humanitarian law, especially with regard to:
 1. Cease all violations of international humanitarian and human rights law in the occupied Palestinian territory;
 2. Immediately and unconditionally lifting the blockade against Gaza in order to facilitate the reconstruction of destroyed buildings and infrastructure;
 3. Cooperating with the ICC's criminal investigations and all other efforts to achieve justice and accountability over all acts violating international law in the occupied Palestinian territory, including the violations committed during recent Gaza conflict;
- (2) HRN calls upon the State of Palestine:
 1. To make effort to investigate alleged violations of human rights and humanitarian law against Israel civilian during the recent Gaza conflict;
- (3) HRN calls upon the international community:
 1. To use its influence to promote compliance with human rights and humanitarian law obligations in the occupied Palestinian territory and Israel;
 2. To support efforts for justice and accountability with regard to the human rights violations in the Palestinian occupied territory;
 3. Increase its efforts to support the reconstruction of Gaza. In particular, it urges donors to fully provide the financial means they pledged at the Cairo Conference.
- (4) HRN calls upon the ICC prosecutor to accelerate the preliminary examinations and to immediately start criminal investigations.
- (5) HRN calls upon the UN Human Rights Council to set up effective mechanisms to ensure accountability over the alleged violations as well as the implementation of all UN recommendations on the State of Israel in relation to the human rights situation of people in the occupied Palestine territory

¹⁷ World Bank, Reconstructing Gaza, Donor Pledges, at: <http://www.worldbank.org/en/programs/rebuilding-gaza-donor-pledges#3>



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Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Women's Human Rights International Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

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- * This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle



NGOs declaration on the situation of camp LIBERTY (Iraq)

We express our deep concern about the plight of about 2500 defenceless men and women, refugees in Iraq, being held inside Camp Liberty near Bagdad airport, as they await international cooperation to enable them to be resettled securely in other countries. Since their transfer from Ashraf camp, as of August 2015, and despite UN promises, less than 20 % of the residents have been resettled outside Iraq.

In addition to the six deadly assaults on Ashraf and Liberty that led to the loss of life of 116 persons. 26 Camp Liberty residents have also died due to lack of timely access to medical care.

Protection of the refugees

The rights of these individuals were systematically violated by the former government of Iraq (GoI) acquiescing to the Iranian government's demands. We are, therefore, determined to call attention to their mistreatment and insist that UNAMI and the governments most directly concerned, including Iraq and the United States, must fulfil their commitments and responsibilities. Protecting these refugees' basic rights and ensuring their safety is a benchmark of Iraq's respect for international law and a measurement of how the GoI's standards may differ from those of its predecessor.

In a letter to the GoI on 6 August 2014, HRC's Special procedures mandate-holders wrote: *"in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Independent Expert on the promotion of a democratic and equitable international order and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 24/7, 18/6 and 26/12. (...) Without prejudging the accuracy of the information made available to us, we reiterate our concern that investigations into the attacks of 1 September 2013 appear to fall short of basic standards and principles of independence and impartiality, and have remained inconclusive. Our serious concern extends to the five previous attacks against that community, none of which has been properly investigated, and for which no one has been brought to account. We are further concerned that the whereabouts of the seven persons abducted during the 1 September 2013 attack remain unknown.*

"The past 6 attacks against that community, the lack of proper investigations and of effective measures to protect its members, heightens our concern about its vulnerability to further attacks, especially in the context of the recent upsurge in fighting in the country including in areas close to the camp." (Emphasis added).

Breach of the Memorandum of Understanding

The continued medical and logistical blockade of Camp Liberty is a grave violation of human rights and humanitarian standards, as well as a flagrant breach of the Memorandum of Understanding signed between the United Nations and the Government of Iraq on 25 December 2011.

The MoU stipulates that:

*"Third: Management of the Temporary Transit Locations
The transit locations meet humanitarian and human rights standards.
Accommodation infrastructure, hygiene facilities, medical care and facilities for religious observance while taking into consideration the separation between the sexes in Camp Liberty. The Government shall allow internal and external communication in accordance with the Iraqi laws.*

The Government shall facilitate and allow the residents, at their own expense, to enter into bilateral contact with contractors for provision of life support and utilities such as water, food, communications, sanitation, and maintenance and rehabilitation equipment.

The Government shall allow residents to move their individual movable assets from Camp New Iraq into Camp Liberty. The Government of the Republic of Iraq shall allow the entry of an adequate number of vehicles for transportation within the camp".

Refugee cards for all residents

As set out in their report of June 2015, former Special Representative of Secretary General Ad Melkert, and former Chief of Human Rights office of the UNAMI, Tahar Boumedra, a major problem is the failure to officially declare Camp Liberty as a refugee camp and issuing refugee cards for all residents. The residents of Camp Liberty have been officially recognized by UNHCR as "asylum seekers" and people of concern since 2011, and are thus entitled to UNHCR documentation to prove their identity. Any delay in delivering such documentation exposes them to abuses and help their persecutors to enjoy impunity.

Harassment of the residents continues

One year after the new government came to office, and upon orders from the Governmental Committee tasked to suppress Liberty residents that works under Faleh Fayyad, the National Security Advisor to Government of Iraq, daily harassment of the residents continues by individuals in charge of security in the Camp. We recall that Faleh Fayyad has supervised seven years of siege and six massacres against Ashraf and Liberty. At present intelligence army officers Sadeq Mohamed Kazem and others are preventing basic necessities from getting to Liberty by ramping up the siege.

The impeding of access to medical care

On January 22, 2015, the Medical Committee of the Camp Liberty announced that 907 PMOI members, including 245 women, are awaiting urgent medical treatment: 117 of them have been on the waiting list since 2012. Since then little if any progress has been made on this regard. On August 23, 2015 Iraqi officers stopped four patients from going to the hospital in Baghdad. This was the second time that these patients, who have eye surgeries scheduled, were prevented from going to the hospital. Meanwhile, on August 20, 2015, four other patients were prevented from seeking ear treatment at a hospital in Baghdad. Residents' representatives have repeatedly raised this issue with UNAMI and the U.S. Embassy to no avail.

The plundering of residents' properties at Camp Ashraf by persons who claim to be affiliated with the government

When in 2011 the issue of relocation from Ashraf to Liberty was raised the residents were assured on several occasions by US and UN in writing that they will be able to sell their properties and would facilitate protecting them until they are sold. The joint plan prepared on 5 September 2013 by the United Nations Assistance Mission in Iraq (UNAMI) and supported by U.S. Embassy stipulated: "The GOI shall allow the residents to sell their property at any time" and "The GOI shall safeguard and guarantee all Ashraf property." In a September 6, 2013 letter to NCRI President-elect Mrs. Maryam Rajavi, Ms. Beth Jones, then-Assistant Secretary of State for Near Eastern Affairs, confirmed this plan, writing:

"The United Nations will help facilitate the safeguarding of the property at Ashraf through your retention of a trusted local security firm. The U.S. Embassy will do its utmost to support these efforts."

Based on these two guarantees, the residents left Camp Ashraf. Yet, the GOI neither allowed any property to be sold nor permitted retention of a private security firm, whose services could have protected the property. Now, most of which have been looted by government affiliated forces. By refusing to compensate the residents for their property occupied by the government forces, the Government of Iraq is denying the residents finances to assist their resettlement outside Iraq into the third countries.

Recommendations

Given the repeated and written commitments of the Iraq's and U.S. governments and the United Nations to the security and wellbeing of Camp Liberty residents, these specific steps should be taken:

- The UNHCR should declare Camp Liberty as refugee camp under its supervision, and issue refugee ID card for all residents as refugee to avoid any misuse under the pretext of not having an identified "status;"

- The Government of Iraq should annul all decisions taken by Al-Maliki's government against residents, remove those responsible for previous attacks against residents from any responsibility on Camp Liberty and transfer the responsibility of the Camp to those within the Government of Iraq not affiliated with the Government of Iran ;
 - The Government of Iraq should lift the siege, especially the medical siege, of Camp Liberty and insure that recognized international standards for living also stipulated in the Memorandum of Understanding signed by UN and the Government itself is implemented and that freedom of movement for the residents as repeatedly stressed by UNHCR, is respected;
 - The Government of Iraq should allow the residents of Camp Liberty to sell their movable and immovable properties and/or compensate them for all property confiscated or stolen;
 - The Government of Iraq should prevent public agents, military and para-military forces and their affiliates from assembling at Camp Liberty to engage in psychological torture of the residents or any other degrading acts against them, under the pretext of families;
 - The United States should endeavour to assure that all its obligations regarding the residents of Camp Liberty are fulfilled;
 - All relevant special procedures mandate holders should remain seized of this issue.
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**The Human rights situation in Palestine and other
occupied Arab Territories**

Joint written statement* submitted by Cairo Institute for Human Rights Studies, BADIL Resource Centre for Palestinian Residency and Refugee Rights, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle



8 years of collective punishment and the humanitarian crisis: Israel must lift the closure of the Gaza Strip and end Impunity*

Addameer Prisoner Support and Human Rights Association (Addameer), Al Mezan Centre for Human Rights (Al Mezan), BADIL Resource Centre for Palestinian Residency and Refugee Rights (Badil), and the Cairo Institute for Human Rights Studies (CIHRS) stress the need to immediately lift the closure of the Gaza Strip, and ensure that the Palestinian population has access to basic and inalienable human rights. The more than eight-year, ongoing closure of the Gaza Strip has created a protracted humanitarian crisis resulting in grave and systematic violations of human rights committed against the protected population under occupation.

According to UN Secretary General Ban Ki Moon, the closure blockade of the Gaza Strip amounts to collective punishment.¹ Collective punishment is strictly prohibited by the 4th Geneva Convention as well as by customary international law and constitutes a war crime.² The International Committee of the Red Cross (ICRC) and the UN Commission of Inquiry on the 2014 Gaza Conflict have also underlined the illegality of the closure.³

According to a coalition of four Palestinian human rights organizations,⁴ between July and the end of August 2014, 2,219 Palestinians were killed during "Operation Protective Edge," the Israeli military assault on the Gaza Strip. Al Mezan documented the killing of 556 children and 293 women during the Israeli offensive, the vast majority of whom were killed inside their homes.⁵ The Israeli military directly targeted, destroyed and damaged civilian and public infrastructure en masse, including medical, sanitation, education, and electricity facilities. There were no safe havens in the entirety of the Gaza strip and civilians and their properties were directly targeted. At least 31,974 housing structures were completely destroyed or sustained significant damages.⁶ According to UN *Office for the Coordination of Humanitarian Affairs (OCHA)*, between June and August 2014, 27 Palestinians, including five children, were also killed in the occupied West Bank, including East Jerusalem.⁷ In this same period, Israel continued the expansion of its illegal settlements in the occupied West Bank, including East Jerusalem and subjected the population to a campaign of collective punishment and forced displacement.⁸

One year on from the assault, Israel has not implemented measures to meaningfully ease restrictions or improve the humanitarian crisis in Gaza. Indeed, Israel continues to limit basic construction materials (gravel, steel bars, and

¹UNOCHA OPT, *The Humanitarian Impact of the Closure*, July 2015 :

http://www.ochaopt.org/documents/ocha_opt_gaza_blockade_factsheet_july_2015_english.pdf

²ICRC, Customary IHL, Rule 103: Collective Punishments : https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule103

³See for example: ICRC News Release 14-06-2010 Geneva/Jerusalem (ICRC) - The hardship faced by Gaza's 1.5 million people cannot be addressed by providing humanitarian aid. The only sustainable solution is to lift the closure: <https://www.icrc.org/eng/resources/documents/update/palestine-update-140610.htm> . See also United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict

- See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15670&LangID=E#sthash.nAi0GDhk.dpuf..>

⁴Al Mezan, Al-Haq, Palestinian Center for Human Rights, and Al Dameer Association for Human Rights – Gaza

⁵See also Al-Mezan and Lawyers for Palestinian Human Rights (LPHR), Joint-complaint concerning destruction and damage to family houses in the Gaza Strip:

[http://mezan.org/en/details.php?id=19551&ddname=IOF&id2=7&id_dept=30&p=center \(updated complaint pending\)](http://mezan.org/en/details.php?id=19551&ddname=IOF&id2=7&id_dept=30&p=center%20(updated%20complaint%20pending)).

⁶OCHA, Gaza Emergency Situation: http://www.ochaopt.org/documents/ocha_opt_sitrep_27_08_2014.pdf, see also Al Mezan Centre for Human Rights database of monitoring conducted by four human rights organizations

⁷See OCHA, *Humanitarian Bulletin Monthly Report June – August 2014*, p.3:

http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_03_english.pdf.

⁸Civic Coalition for Palestinian Rights in Jerusalem, *Occupied East Jerusalem Report to the COI*, 31 January 2015. http://www.civiccoalition-jerusalem.org/system/files/coi_brief_east_jerusalem_ccprj_final.pdf

cement). Less than 1% of the construction materials required to rebuild houses destroyed and damaged during the 2014 military bombardment, and to address natural population growth, have so far entered Gaza.

According to the World Bank, the eight-year closure of the Gaza Strip has reduced Gaza's GDP by 50%. The unemployment rate in Gaza during 2014 stood at 43%: the highest in the world. Youth unemployment exceeded 60%. Nearly 80% of Gaza's population receives some form of international aid, the bulk of which is food assistance.⁹

The Gaza Reconstruction Mechanism (GRM) is inefficiently slow against massive destruction and has not resulted in appropriate rebuilding. A year later and not one of the 8,377 fully destroyed houses has been rebuilt. Tens of thousands of Palestinians are still displaced, with many living in caravans or tents. Currently, Gaza receives only 7.5 % of the construction materials required to cover housing demands daily. According to Oxfam International, at the current rate of reconstruction and without lifting the closure, it could take more than 100 years to rebuild Gaza's housing, education, and health infrastructure.¹⁰ According to the Norwegian Refugee Council, at the current rate that materials are entering Gaza, it will take over half a century to meet Gaza's housing needs only.¹¹

The Israeli forces continue to maintain a buffer zone in the Gaza Strip, using live fire as a method to maintain the closure. The buffer zone areas are rich agricultural and fishing grounds. While the Oslo Accords afford 20 nautical miles (nm) of fishing grounds off the Gaza coast, Israel maintains that only between 3-6nm is permitted. At the time of publication, Israel allows fishing in only 4 nm. Further to increasing restrictions, Al Mezan documented the arrest of 24 Palestinian fishermen by Israeli forces – with methods amounting to cruel, inhuman and degrading treatment (CIDT) and sometimes torture – in 21 incidents of attack and harassment within the last three months. During these incidents, the Israeli Navy injured eight fishermen and confiscated eight boats. In the same time period, Israeli forces carried out 21 shelling attacks in the Gaza Strip that killed one person and injured eleven people, including three children.

The 1.8 million Palestinians in the Gaza Strip continue to be denied access to the remainder of the occupied Palestinian territory (OPT) and abroad. The movement restrictions imposed by Israel since the early 1990s and intensified in June 2007 serve to tear the Palestinian economic and social fabric, and fragment the OPT. The movement restrictions serve to dramatically jeopardize the contiguity of the OPT. The policies behind the restrictions on movement are evident in the rejection of a petition to Israel's Supreme Court to end the blanket ban on student travel from Gaza to the West Bank.¹² The case was dismissed by the Court despite the failure of the state representative to provide any evidence that the movement of students poses security risks. The ban, in violation of Article 13 of ICESCR, has been in effect since 2000. Hindering the normal functioning of the Palestinian education system, the ban on student movement hampers development without any lawful justification. The Israeli government informed the Court that the ban was motivated by pursuing a policy of separation between Gaza and the West Bank, and not by specific security concerns.

UN Relief and Works Agency's (UNRWA) severe and unprecedented financial crisis, reaching a \$101 million fiscal deficit for the current year, has led to a reduction in health and education services, particularly threatening the functioning of 252 schools across Gaza and the enrolment of 248,000 Palestinian students.¹³

Israel, as the occupying power, must unconditionally lift the blockade, which severely undermines the human rights of Palestinians in Gaza. Israel must also assume its international legal obligations as the occupying power. According to Article 43 of the Hague Regulations, an occupying State has the duty to exercise its powers under all circumstances for the benefit of the occupied area and to refrain from taking into consideration its national, economic, and social interests

⁹UNOCHA OPT, *The Humanitarian Impact of the Closure*, July 2015

¹⁰Oxfam International. *Vital Building in Conflict Damaged Gaza to Take More than a Century at Current Rate*. N.p., 26 Feb. 2015. Web. <https://www.oxfam.org/en/pressroom/pressreleases/2015-02-26/vital-building-conflict-damaged-gaza-take-more-century-current>

¹¹Norwegian Refugee Council, *100,000 still homeless one year after Gaza war*, 6 July 2015: <http://reliefweb.int/report/occupied-palestinian-territory/100000-still-homeless-one-year-after-gaza-war>

¹²See, Gisha, *Supreme Court upholds refusal to allow gender studies students to travel from Gaza to the West Bank* <http://gisha.org/updates/1818>

¹³Middle East Monitor, *UNRWA funding crisis strikes fear into Gaza's*, August 2nd 2015 [refugeeshttps://www.middleeastmonitor.com/news/middle-east/20180-unrwa-funding-crisis-strikes-fear-into-gazas-refugees](https://www.middleeastmonitor.com/news/middle-east/20180-unrwa-funding-crisis-strikes-fear-into-gazas-refugees)

in as much as such interests have no effect on its security or the interest of the local population. Israel must ensure the welfare of the population in the Gaza Strip, not only by fully lifting the closure, but also in immediately facilitating the reconstruction efforts in the Gaza Strip, and providing the population with the necessary access for services to guarantee their economic, social, and cultural rights.

The closure policy cannot be seen but in the context of Israel's efforts to prevent Palestinian self-determination. Israel is implementing a policy of fragmentation of space, dividing the West Bank from the Gaza Strip, in order to pursue a land annexation policy, and thwart the possibility of the creation of a viable Palestinian State. The closure policy is not a security measure, but rather a political measure to serve Israeli strategic aims.

Israeli courts have systemically failed to uphold human rights protection of Palestinians under occupation in the Gaza Strip and the West Bank alike. In failing to do so, they have also encouraged a system of impunity that is acquiescing to the lack of political will to ensure accountability and justice. Palestinians continue to be deprived of any effective means to seek remedies for the systematic and widespread violation of their rights. In the absence of any effective deterrence factor, Israel can maintain the prolonged occupation and its associated regime indefinitely, in total disregard of the legal and moral obligations emanating from core international law principles and standards. In this regard, the link between the closure policy and Israel's systematic lack of accountability is evident in the Israeli government's denial of Palestinian victims' physical access to Israeli courts, which results in the dismissal of their cases.

The initiatives currently underway to secure justice and accountability internationally, notably through the preliminary examination that is being conducted by the International Criminal Court (ICC) are being repeatedly undermined, obstructed, and delayed. These actions therefore require the full support and backing of the Council and the international community in line with UN principles of justice and international law.

Our organizations call upon the UNHRC to take a firm stance to pressure Israel, the occupying power, to immediately and fully lift the closure of the Gaza Strip, and to unconditionally facilitate and assist the necessary reconstruction efforts.

* Addameer Prisoner Support and Human Rights Association and Al Mezan Centre for Human Rights, NGOs without consultative status, also share the views expressed in this statement.



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Thirtieth session

Agenda item 10

Technical assistance and capacity-building

Written statement* submitted by the Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

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- * This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15205(E)



Please recycle



The deteriorating human rights situation in Cambodia

1. Background

Cambodia has seen a troubling escalation in human rights violations over the last two years following a repressive turn of the Cambodian People's Party (CPP) led government against its critics. This campaign of repression follows the 2013 election marred by irregularities and accusations of fraud which triggered peaceful protests of historic proportions.

Violations include:

- Harassment and arbitrary detention of government critics, human rights defenders, and opposition leaders by a CPP-controlled judiciary;
- Crackdowns on peaceful demonstrations with excessive and sometimes lethal use of force by security forces;
- Restrictions on rights to free expression; and
- A series of legislation eroding basic freedoms, including the Law on Associations and Non-Government Organizations (LANGO), which limit the formation and activity of civil society and grassroots organisations with vague and discretionary rules, restricting citizens' right to association.

These developments are fueled by the ruling CPP's grip on all state institutions, including armed and security forces, the judiciary, and state agencies, which are used to silence any independent or opposition voice in order for the ruling party to retain its hold on power against any criticism or opposition.

Perennial human rights problems also continue in Cambodia, such as denials of land rights, human trafficking, torture, poor detention conditions, lack of meaningful engagement with UN human rights bodies and mechanisms, and impunity for human rights violators. These problems involve or threaten a variety of human rights violations, including fair trial rights; rights to freedom of expression, association, and peaceful assembly; and rights to life and freedom from inhuman treatment.

Human Rights Now (HRN), a Tokyo-based international human rights organization, is concerned about this rise in human rights violations and calls on Cambodia to meet its international obligations, including by legal and institutional reforms. We also call on UN Human Rights Council members to closely monitor the human rights situation in Cambodia and support a resolution in the next session to extend the mandate of the UN Special Rapporteur on the situation of human rights in Cambodia, and to call on Cambodia to meet its obligations with concrete steps.

This report provides an overview of two of these recent issues, arbitrary detentions and the LANGO, including relevant laws they violate under both Cambodian and international law. The report then ends with recommendations.

2. Harassment and Arbitrary Detention of Government Critics

In the wake of the government's recent campaign against all political opposition, there have been numerous cases of judicial harassment and arbitrary detentions of opposition members and activists, human rights defenders, community activists, trade union leaders, and youth leaders. The campaign is sustained by government control over the judiciary and the absence of any fair trial standards.

These cases include:

- The conviction of 11 members and supporters of the Cambodia National Rescue Party (CNRP), in one of the worst miscarriages of justice in 2015, for "insurrection" relate crimes based on events at a demonstration in July 2014, despite a total lack of evidence;¹

¹ <http://www.hcadho-cambodia.org/pressrelease.php?perm=389>, <http://www.bbc.com/news/world-asia-33611441>; <https://www.hrw.org/news/2015/07/21/cambodia-exonerate-11-wrongly-convicted-activists>. The charges of insurrection are listed under Cambodia Criminal Code articles 456, 457, and 459.

- The subjection of seven CNRP members of the National Assembly to outstanding insurrection charges related to the 2014 demonstration, with the ruling party warning that they are not protected by parliamentary immunity;
- The arrest of serving opposition Senator Hong Sok Hour after the Prime Minister accused him of treason for comments on a border dispute with Vietnam;
- The detention of Kong Raya, President of the Cambodia Student Network, for "incitement to commit a felony" after posting critical comments on Facebook;
- The detention of three activists from the NGO Mother Nature for protesting unlawful sand dredging;
- The arrest of two activist monks, which they state is due to their high-profile activism;
- The charging of Ny Chakrya, Head of Human Rights and Legal Aid Section of the NGO ADHOC, with "defamation" related charges after he criticized the arbitrary detention of villagers involved in a land dispute.²

Between July 20 and August 20, a total of 21 individuals were convicted or detained for criticism or opposition to the government. Others remain at high risk of arrest. Such cases highlight a situation of arbitrary prosecution for politically motivated reasons and violate Cambodia's Constitutional rights to fair trial³ and its guarantee of the "independence of the judiciary and the doctrine of the separation of powers", which requires a separation of the judiciary from government control as a political instrument.⁴

3. LANGO and the Attack on Freedom of Association

On 12 August 2015, Cambodia promulgated a new Law on Associations and Non-Government Organisations (LANGO). The LANGO creates a mandatory registration system for all domestic and international citizens groups, nongovernment organisations (NGOs), and associations, under a broad definition that covers virtually any form of citizens' group.⁵ Any activities by unregistered organizations are deemed illegal⁶ and subject to administrative penalties up to 10 million riels as well as prosecution for repeat offenders.⁷

Moreover, registered organizations are obligated to be "politically neutral." The vague definition of this standard and the absolute discretion granted by law to the CPP-controlled Ministries of the Interior (MOI) and Foreign Affairs and International Cooperation in registering and de-registering domestic and foreign organizations, respectively, allows the government to cite political bias as a pretext for shutting down any organization, such as governmental critics, opposition parties, unions, land activist organizations, communities contesting land disputes,⁸ and human rights NGOs.⁹ Without clear and non-discretionary standards, even organizations attempting to follow the law in good faith may still be prevented from registering and rendered illegal, creating a serious chilling effect on the speech and activities of even constructive organizations.

² <https://www.fidh.org/International-Federation-for-Human-Rights/asia/cambodia/cambodia-judicial-harassment-against-mr-ny-chakrya>. The charges are listed under Cambodia Criminal Code articles 305, 311 and 522. <http://www.adhoc-cambodia.org/?p=5416>. The dispute was with Takhmao Community in Siem Reap province.

³ Cambodia Constitution article 31 guarantees fair trial rights through its incorporation of the UDHR, ICCPR (Art. 19 of which establishes a right to fair trial), and other instruments. Cambodia Constitution articles 38 and 128 also guarantee various fair trial rights.

⁴ Article 51, Cambodian Constitution. Surya P. Subedi, *Report of the Special Rapporteur on the situation of human rights in Cambodia*, UN Document, A/HRC/27/70, 15 August 2014.

⁵ LANGO Article 4.

⁶ LANGO Article 9. Article 34 further contains measures to terminate foreign NGOs and associations that have not been registered or have had their MOU terminated. It also includes sanctions against foreign staff of such organizations, such as deportation or criminal penalties.

⁷ LANGO Article 32. 10 million riels is equivalent to \$2500 USD, €2200 EU, and ¥305,000JPY.

⁸ <https://www.cambodiadaily.com/news/kratie-families-in-land-dispute-feel-effects-of-ngo-law-91796>

⁹ <http://hrm.or.jp/eng/news/2015/07/16/announcement-of-750-billion-yen-capital-support-at-the-japan-mekong-summit-meeting-brings-concern-of-critical-human-rights-situations-in-cambodia-thailand-and-myanmar-by-kazuko-ito/>. Foreign organizations or NGO violating the political neutrality conditions under Article 24 will have their memoranda of understanding (MOU) with the Cambodian government invalidated, required for their operation, Article 33, LANGO.

LANGO is inconsistent with Cambodia's obligations under both international and domestic law, beginning with freedom of association guaranteed by ICCPR Article 22 and the Cambodian constitution Article 42.¹⁰ Cambodia's 2011 Civil Code further regulates non-profit corporations with the explicit goal of developing a democratic civil society, which LANGO's anti-democratic restrictions both contradict in word and hinder in spirit. HRN is deeply concerned that the far-reaching discretion reserved by the ruling party to implement LANGO will cripple the ability for a democratic Cambodian civil society to meaningfully emerge, as LANGO threatens the existence of all associations, places their activities at the mercy of the government, and disallows any critique of government policy.¹¹

4. Recommendations

Human Rights Now offers the following recommendations.

To Cambodian authorities:

- 1) Conduct an independent, impartial, and fair appeal hearing to review the unfair conviction and lack of evidence against the 11 opposition activists, and exonerate and release them accordingly. Also conduct independent, impartial, and fair processes for other charged and detained opposition activists and dismiss their cases accordingly.
- 2) Drop all the charges against human rights defender Ny Chakrya;
- 3) Stop the prosecution of political or critical speech on issues of public interest to ensure freedom of expression.
- 4) Amend LANGO provisions undermining freedom of association, revising them in accordance with international human rights standards, including Article 22 of the ICCPR. In particular, remove mandatory registration and the ability of ministries to de-register organizations based on broad and ill-defined terms at their discretion.

To the UN Human Rights Council:

- 5) Call on the Cambodian government to make necessary revisions to LANGO in accordance with international human rights standards.
- 6) Adopt a resolution at the 30th Human Rights Council session to extend the mandate of the UN Special Rapporteur on the situation of human rights in Cambodia, and to raise issues of concern about Cambodia's violations of rights to peaceful assembly, association, and expression; fair trial rights and threats to government critics and human rights defenders; and lack of judicial independence.
- 7) Call on Cambodia to meaningfully cooperate with UN human rights bodies and mechanisms, including the current Special Rapporteur, Ms. Rhona Smith.

¹⁰ <http://hrn.or.jp/eng/news/2015/06/29/joint-statement-demanding-a-thorough-revision-of-the-draft-law-on-associations-and-non-governmental-organizations-lango-in-cambodia/>

¹¹ Freedom of Expression is guaranteed in Cambodia by Article 22 of the ICCPR and its incorporation into the Cambodia Constitution via Article 31. <http://hrn.or.jp/eng/news/2015/06/29/joint-statement-demanding-a-thorough-revision-of-the-draft-law-on-associations-and-non-governmental-organizations-lango-in-cambodia/>



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Agenda item 4

Human rights situations that require the Council's attention

Written statement^{*} submitted by the International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle



Addressing the rights violations against the Hmong people in the Lao People's Democratic Republic*

International Educational Development, Inc. and the Association of Humanitarian Lawyers have been concerned for some about the dire situation of the Hmong people in the Lao People's Democratic Republic (hereinafter Laos). Our home state California has welcomed tens of thousands of the Hmong refugees who first began to flee Laos at the end of the Vietnam War and who continue to flee, seeking asylum due to persecution and other gross violations of human rights. The Hmong people still in Laos are at grave risk of extermination.

Brief background of the situation¹

The Hmong people in Laos have as their traditional homeland the areas in and around what was known as the Ho Chi Minh Trail. The United States began covert actions against the Pathet Lao forces as early as the Kennedy Administration before the United States entered into the war in Vietnam. The Pathet Lao opposed the government of Laos at the time and supported the government of North Vietnam. The Hmong formed military forces and aided the United States in operations against the Pathet Lao. In 1968 the United States began an air war and other military actions against the Pathet Lao forces along the Ho Chi Minh Trail and elsewhere in the Hmong areas. The Hmong continued to aid the United States forces. There was essentially no media information about this for a number of years. In 1975 the Pathet Lao took over Laos after the fall of Saigon and the exodus of the United States forces. The new Laotian government vowed to wipe out the Hmong in a planned program of both extermination and ethnic cleansing, as they were viewed as the enemy. Thousands of Hmong people fled to Thailand where they were kept in camps. The United States began accepting Hmong refugees at the end of 1975, resettling nearly 30,000 primarily in Minnesota and California. There were reports of chemical warfare against the Hmong between 1975 and 1979. The Hmong continued to flee in large numbers. By 2010 there were nearly 250,000 Laotian Hmong in the United States and only about 250,000 left in Laos. Hmong still in the camps in Thailand are at constant risk of forcible repatriation to Laos by Thailand: in 2009 4,000 Hmong were forcibly deported to Laos.² Even Hmong people granted refugee status in third countries were not allowed to leave Thailand for them but instead were placed in detention pending repatriation to Laos.³

Recent action against the Hmong in Laos

The Hmong people, especially those in the Phou Bia area, face constant military actions against them as they are still considered the enemy. As a consequence they are forced to relocate and hide on a continual basis. Food and medicine are in short supply as the Laotian authorities have a blockade on these items. Because of the constant moving there are no stable places of residence and even temporary structures are destroyed by the Lao forces. Agriculture is difficult if not impossible, compounding the serious food shortages due to the blockades: when the Lao forces find fruit tree or crops they destroy them. This is a crime against humanity as set out in Article 7 (1)(b) and (2)(b) of the Rome Statute that identify creating conditions of life that are extremely difficult and the denial of food and medicine as elements of the crime of extermination.⁴

Hmong children are at particular risk of loss of life and serious, permanent physical conditions. In April 2011 the Committee on the Rights of the Child considered the malnutrition and high incidence of wasting disease in the rural

¹ See, e.g. J. Lindsay, "Why are the Hmong in America," www.JeffLindsay.com/hmong, also available in FutureHmong Magazine (2002).

² B. Doherty, "Thailand begins deportation of more than 4,000 Hmong asylum seekers," www.theguardian.com/world/2009/dec/28/Thailand-deportation-Hmong-Laos.

³ W.L. George, "Hmong Refugees Live in Fear and Laos in Thailand," *Time*, 24 July 2010.

⁴ The Lao People's Democratic Republic has not ratified the Rome Statute or Regulations, but we refer to its provisions to underscore the gravity of the offenses by the authorities against the Hmong people.

areas where the Hmong are an emergency situation. Since that alert, there has been no change in the situation of Hmong children.

Ineffective international action to date regarding the Hmong situation

The Committee on the Elimination of Racial Discrimination (Committee) has raised serious concerns about the situation of the Hmong people in Laos since 2003 when it invoked its early warning and urgent action procedures. Concerns and recommendations were also prominent in its review of Laos, especially at its review in 2012.⁵ Expressing concern about the violence against the Hmong, the Committee urged proper and impartial investigation into the areas and that the authorities should invite the relevant United Nations mandate holders. The Committee also expressed concern over disparities in health outcomes in rural areas, land seizure concerns and attempts at forced assimilation and the loss of the cultures of ethnic groups. These concerns all reflect the above-cited provisions regarding crimes against humanity, especially extermination, in the Rome Statute.

Laos had its Universal Periodic Review in 2014/2015, with the report (A/HRC/29/7/Add.1) adopted on 23 June 2015. Concerns regarding the Hmong were raised by treaty bodies, especially the CERD Committee.⁶ The Compilation report noted that several treaty bodies stressed overdue reports. The CERD Committee noted that the responses it requested in 2013 regarding violence against the Hmong were unfulfilled. It indicated that it had raised allegation of serious actions against the Hmong since 2003, and that it placed the situation under its early warning and urgent action procedures, to no avail. The Compilation indicated requests for visits from special procedure mandate holders regarding cultural rights, housing and freedom of assembly, as yet unaccepted.

A joint statement (JS4) was submitted by two non-governmental organizations and referred to in the Summary (A/HRC/WG.6/21/LAO/3 (20 October 2014)). This statement identified the crisis situation of the Hmong people, especially the starvation and lack of basic medical supplies and the forced repatriation of refugees from neighboring countries.

In the document as adopted, only Canada made specific mention of the Hmong people, although a number of delegations identified discrimination and general concerns about ethnic peoples.

The only current mention of Laos by special procedures mandate holders is in the report on human right defenders. Several other mandate holders have requested visits. Laos has not issued a universal invitation.

The only written mention of Laos by non-governmental organizations outside of the UPR process is a written statement by Jubilee Campaign.⁷

Conclusions and recommendations

It is patently clear that the Laotian authorities have no intention of adequately addressing the situation of the Hmong people. It is also clear that action by United Nations bodies to date is grossly inadequate to address the extremely serious situation of the Hmong people in Laos. Laos has not allowed on site investigations and without such investigation, it is difficult to formulate effective action and get an effective plan implemented. The treaty bodies can only issue early warnings and urgent actions, but there has to be an effective action in response. The UPR process can serve to illustrate or identify violations, even serious ones, but it alone is not an action procedure. The International Committee of the Red Cross can undertake relief efforts, but in this case are restrained from doing so by the relevant authorities.

We recommend the following actions that should be undertaken:

1. The international community should invoke the Responsibility to Protect (R2P) mechanisms as soon as possible.

⁵ Concluding observations (2012) CERD/C/LAO/CO/16-18 (24 March 2012).

⁶ The Compilation report is A/HRC/WG.6/21/LAO/2.

⁷ A/HRC/22/NGO/128.

2. The Secretary-General should consider action on this situation such as encouraging or instigating independent investigation.
3. The relevant mandate holders of the Council, including those addressing summary execution, disappearances, torture, internally displaced persons, health, food, water and sanitation, arbitrary detention, human rights defenders, truth, and minority issues should request on site visits to the Hmong areas in Laos, either alone or in concert.
4. Given that nearly all special procedures are highly relevant to the situation in the Hmong areas of Laos, the Council should consider requesting the High Commissioner to undertake action, including establishing a team of inquiry as has been established in other situations. In the alternative, the Council should establish its own committee of inquiry or appoint a special rapporteur or independent expert.

^{*}Association of Humanitarian Lawyers, NGO without consultative status, also shares the views expressed in this statement.



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Agenda item 5

Human rights bodies and mechanisms

Written statement^{*} submitted by the World Youth Alliance, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle



The importance of a clear understanding of international human rights law for human rights bodies and mechanisms

The World Youth Alliance is a coalition of over 80,000 young people from around the globe committed to the promotion and protection of human dignity. This includes a concern for human rights, and a commitment to ensuring that human rights bodies and mechanisms respect for human dignity and promote international human rights law.

The role and challenges of the Human Rights Council and other human rights bodies and mechanisms

The Human Rights Council exists to address violations of human rights in a way that is even-handed, non-political, and effective. This is an important task, as unfortunately many grave violations of human rights continue to occur around the world. As it is part of an intergovernmental body, the Council is well positioned to assist Member States in redressing problems.

The Council's use of universal periodic review and balanced geographic representation are significant steps towards avoiding the problems that beset its predecessor body, the Commission on Human Rights. However, these two mechanisms alone cannot prevent the politicization or loss of legitimacy. The Council risks its legitimacy when it takes actions and makes recommendations that are not grounded on established international human rights law. Although this may seem intuitive, in practice it is much less clear.

Human rights are broad in application but limited in scope; the described in the Universal Declaration of Human Rights apply to everyone, without exceptions, but its provisions comprise a mere 30 articles in fewer than ten pages. Additional human rights treaties concluded since the Declaration's adoption have largely focused on ensuring that the rights it enumerated are enjoyed universally. No customary international law has emerged that has significantly expanded these rights, and the law of treaties leaves little room for enlargement or interpretation.

This narrowness of human rights is essential to ensuring their universality. Outside of human rights, governments and society have broad latitude. But no State may violate human rights or permit their violation. In a world of many cultures, peoples, and religions, this is necessary to ensure that human rights does not become a byword for the imposition of the culture, values, or whims of powerful countries on weaker ones.

This runs counter to popular campaigns which seek to capitalize on the acknowledgement of human rights to garner support for their causes. But a cause may be worthy without implicating human rights at all. This mistake is not confined to civil society or private enterprise. Human rights bodies must avoid it, or they risk diluting the meaning of human rights and undermining its ability to address human rights abuses.

The dangers of diluting human rights

Although the ideals articulated in human rights treaties can be somewhat abstract, their violations are strikingly concrete. If the definition of "human rights" continues to be diluted, it will create confusion about whether these violations have occurred and how to answer them. There will be some who claim that all difficulties are human rights abuses; those who object may decide that there are none.

Such disputes will delay or even prevent the remedying of actual human rights abuses. They may result in issues which may be serious but not human rights abuses taking center stage, while abuses persist elsewhere. This is especially likely in our digital age. More information is available than ever before, but we are largely less able to interpret what is reliable, accurate, and important. A firm grounding in the law can prevent confusion which risks making human rights contentious and addressing abuses of them unmanageable, before it they "go viral."

Delinking human rights from human rights law also undermines the legitimacy of human rights bodies, including the Human Rights Council. Similarly, mechanisms such as universal periodic reviews should only provide comments on actual human rights issues. Although any country may grant more rights than are enumerated in treaties, unless such expansions become universal, and therefore part of customary international law, they are not human rights, even if they could be considered related to existing human rights provisions.

When an international body treats issues that are not human rights as if they are, it opens itself up to accusations of cultural imperialism and politicization. This allows those who abuse human rights to dismiss valid recommendations. Other countries will likely find such a body unreliable if it regularly goes beyond its mandate to advance controversial policies by asserting that they are human rights. All of this will undermine the ability to address actual human rights abuses. It may even put vulnerable groups at more risk, if they are perceived to be advocating for special protections. This must be avoided.

The dilution of the term "human rights" is especially concerning as "human rights mainstreaming" becomes more common. International initiatives and national laws must respect human rights, and to do so they must know what they are and that no violation is acceptable. They will do so with greater commitment and confidence if they trust that human rights bodies and mechanisms are working in the common interest rather than promoting policies which do not enjoy consensus.

Areas of Particular Concern

As a youth organization committed to promoting and protecting human dignity, World Youth Alliance is dedicated to a world where human dignity and human rights are protected. Our members are the inheritors of the actions and decisions the Council takes today. They have seen their pressing concerns—human rights, development, education, and jobs—given short shrift due to politicization of UN bodies and priority being given to controversial causes over authentic needs.

Respect for human dignity and rights is a priority for young people. However, some of the causes advanced in regard to this, even on our behalf, are not. Our members are concerned that issues such as reproductive rights and comprehensive sexuality education, which implicate values rather than human rights, are deemed as important or more than peace and security, an adequate standard of living, education, and work. The inclusion of these policies, which are not agreed in international law, is divisive and detracts from actual human rights abuses and urgent human needs.

Recommendations

We urge the Council to focus its efforts on promoting established human rights without including policies on which there is no consensus or agreement. This focus should emphasize that all human beings have human rights, highlighting the universality of these rights and the shared humanity of all, regardless of "race, color, sex, language, religion, political opinion, national or social origin, property, birth or other status." (Universal Declaration of Human Rights, art. 2.) The Council can work protect the rights of the marginalized and those in vulnerable situations through rigorous dedication to human rights recognized in international law.

The Council and other human rights bodies should use this as their foundation in mechanisms such as universal periodic reviews. These mechanisms should not be a means for some Member States or bodies to impose on other Member States additional burdens not agreed to and that are not established in international law. By fostering a respect for human rights clearly defined and grounded in law, human rights bodies and mechanisms will foster respect for human rights and the bodies and mechanisms which promote them.



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Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement^{*} submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



**Political change cannot be a substitute for justice and
accountability, international accountability process is a must
for accountability and reconciliation in Sri Lanka***

United Nations Human Rights Council passed a resolution on the 26 March 2014, calling for setting up an international investigation mechanism¹ in Sri Lanka via the OHCHR. Even though the Investigation started in June 2014 the publication of the report was delayed. This was due to the political changes in Sri Lanka and the opportunity to strengthen the report, but the fact remains that the OISL team did not get access to do an in-country investigation despite of the political change. The delayed report will be published in September 2015 followed-up by discussions in the council.

Pasumai Thaayagam Foundation would like to thank the member States for passing three consecutive resolutions in promoting reconciliation and accountability in Sri Lanka. This has pushed the Sri Lankan state in a direction to address democratic deficits of Sri Lanka. Pasumai Thaayagam Foundation would like to re-iterate its position on the international mechanism² to address accountability issues to achieve a sustainable lasting peace in the Island of Sri Lanka.

Pasumai Thaayagam Foundation would like to state that neither a domestic mechanism nor a hybrid mechanism would be able to deliver justice to the victims in Sri Lanka. Justice can only be meted out by referring Sri Lanka to the International Criminal Court or by setting-up a dedicated ad-hoc international tribunal.

In the Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka³ (March 31, 2011) it is stated inter alia: "Accountability also requires official acknowledgement by the State of its role and responsibility in violating the rights of its citizens when that has occurred." When the State itself is implicated in international crimes, it cannot play any role in the administering of justice pertaining to those crimes. As the accepted legal principle holds, *nemo judex in sua causa*—an accused cannot be judged in one's own case.

The underlying nature of the conflict in Sri Lanka is a conflict between two nations, namely Sinhala Nation and Tamil Nation. Given that, for a State to play a role in its resolution, it must be neutral. However, as demonstrated by Sri Lanka's history since "independence", the Sri Lankan State, including the judiciary, overwhelmingly dominated by the Sinhala Nation, has failed to uphold even the appearance of neutrality. The judiciary has always been subservient to the political leadership when it comes to abuses against Tamils, and that is evidenced by all of the past Commissions of Inquiry.

The mandate of the OISL is not limited to war crimes but also includes international crimes, which is further defined in Article V of the Rome Statute of the International Criminal Court as consisting of the crime of genocide; crimes against humanity; war crimes; and the crime of aggression. Article II of the 1948 Genocide Convention defines genocide to mean "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such." By this very definition of genocide, the Sri Lankan State, controlled almost exclusively by the Sinhala ethnic group, will not be able to adjudicate any charge of genocide by the Sri Lankan State against the Tamils, whether as part of a hybrid mechanism or a domestic mechanism. Therefore, an outside, independent international mechanism is essential for a fair adjudication of the crimes which fall within the purview of the mandate.

¹ Resolution by UN HRC 25/... Promoting reconciliation, accountability and human rights in Sri Lanka
http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/25/L.1/Rev.1

² Written statement* submitted by PasumaiThaayagam Foundation, to the 25th session of the HRC session.
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/114/66/PDF/G1411466.pdf?OpenElement>

³ Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka
http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf

It has been the belief in some quarters that the changing of the guard would result in change in institutionalized impunity in Sri Lanka. The Tamils have seen numerous government changes since Sri Lanka becoming an independent State in 1948, and none of the governments made any sincere effort to address Tamil grievances.

None of Sri Lanka's domestic mechanisms, including the one that had the International Independent Group of Eminent Persons, has been successful. Accountability and justice are processes that must be credible in the view of the victims, ensuring the free participation of the victims, and complying with international norms and standards. Further, given that the exclusively Sinhalese Sri Lankan military apparatus is still intact, and given the intense militarization of the North East where the Tamil victims live, the Tamils will continue to be fearful to participate in any in-country process.

Given the history and politics of Sri Lanka, a domestic or hybrid mechanism will not meet these standards and thus the only fair option is an international process led by the United Nations.

A hybrid tribunal can be useful, where a state has the will, but lacks the capacity to deliver justice. This is not the case in Sri Lanka, because there is no political will to prosecute members of the Sinhala Nation or to deliver justice to the Tamils.

Pasumai Thaayagam Foundation believes that the present government lacks the stability and capacity to uphold a prolonged trial of war crimes, crimes against humanity, and genocide. Such a trial, if held by Sri Lankan state, will only intensify anti-Tamil sentiments and may result in anti-Tamil pogroms. The result will be diametrically opposed to what the accountability process hopes to achieve, namely non-recurrence, deterrence, healing and peace. The Secretary General's internal report on the failures in Sri Lanka (the Petrie Report) gave birth to the Rights Upfront initiative, drawing lessons from Sri Lanka. The UN should not fail the Tamil victims yet again by instituting any mechanism dependent on the Sri Lankan State.

The Sri Lanka's constitution has no provisions to investigate War Crimes, Crimes against Humanity, Genocide or mass atrocities. The constitution does not allow retrospective legislation to be passed either⁴. Therefore, it is technically impossible to investigate the allegations of war crimes, crimes against humanity and crime of Genocide under the same international norms within the domestic process.

The Tamil people in the island of Sri Lanka have lost faith in the domestic institutions. The ongoing structural genocide has been a result of complex political and economic policies of the Sri Lankan state. On 10 February 2015 the Northern Provincial Council (NPC) unanimously passed a resolution stating what happened to the Tamils in Sri Lanka is Genocide⁵. This was the lived experience of the Tamils in the island of Sri Lanka and elsewhere

The following extract from the Northern Provincial Council resolution sums up the need for an international tribunal in the island of Sri Lanka:

"The obligation to prevent and punish genocide under the Genocide Convention is not a matter of political choice or calculation, but one of binding customary international law. This Council urges OISL to comprehensively investigate and report on the charge of genocide in its submission to the UN Human Rights Council in March 2015. The UN Security Council should refer the situation in Sri Lanka to the International Criminal Court for prosecutions based on war crimes, crimes against humanity, and genocide."⁶

Pasumai Thaayagam Foundation would like to highlight the member States of the plight and sufferings of the victims, who have been waiting for a long a time for justice and accountability. Any sort of domestic or hybrid mechanism will de-rail the genuine accountability process. Only an international tribunal to investigate crimes under international law that includes war crimes, crimes against humanity and the crime of genocide in the Island of Sri Lanka can deliver sustainable peace, address impunity and non-recurrence of the crime in the future.

⁴ <http://www.priu.gov.lk/Cons/1978Constitution/CONTENTS.html>

⁵ Northern Provincial Council Resolution: Sri Lanka's Genocide Against Tamils

http://www.jdslanka.org/images/documents/npc_resolution_on_tamil_genocide.pdf

⁶ http://www.jdslanka.org/images/documents/npc_resolution_on_tamil_genocide.pdf

We call upon the member states to pass a follow-up resolution in regards to Sri Lanka in September to:

Refer the case of Sri Lanka to the International Criminal Court or an international accountability process via setting up an ad-hoc international tribunal.

Sri Lanka should be called to sign the Rome Statute of the International Criminal Court and Sign the Declaration of Commitment to End Sexual Violence in Conflict with immediate effect.

*British Tamils Forum (BTF), UK NGO without consultative status, also shares the views expressed in this statement.



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Promotion and protection of all human rights, civil,
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including the right to development

Written statement* submitted by Le Collectif des Femmes Africaines du Hainaut, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



This is a statement from C.F.A.H. in partnership with Ariel Foundation International (AFI). AFI Changemakers is a programme of AFI, organised and led by young people, dedicated to increasing the voice of youth at all levels of the United Nations.

Facilitated by Dr Ariel R. King and Ariel Foundation International, AFI Changemakers strongly believes that young people should be actively engaged in shaping the future they want to see and that their representation is vital to a more inclusive United Nations; a reflection that 50.5% of the world's population are under 30. Young people are trailblazers and represent some of the most forward-thinking and progressive individuals in our society. AFI Changemakers strongly believes that young people should hold a stake in tackling and combating global issues at the highest level. It was this belief that led Ariel Foundation International to hold the inaugural AFI Changemakers-UN Summit in December 2013, to coincide with 25 years of the United Nations Declaration on the Right to Development. Since this date, AFI Changemakers has held four summits at the United Nations in Geneva, and young people from all over the world have gathered at the Palais des Nations to discuss the human rights and development issues they feel are of extreme importance to future generations, and to develop policy recommendations to be submitted to Human Rights Council and other appropriate bodies for consideration. This statement summarises some of the key human rights issues identified by Changemakers delegates that require urgent attention by the Human Rights Council, namely: slavery and trafficking, mental health and discrimination.

Slavery and Trafficking

Slavery and trafficking has repeatedly held a prominent position on the Changemakers' agenda. Our detailed report, *AFI Changemakers at the UN: Report on Slavery and Human Trafficking*, outlines key challenges and the solutions needed to prevent these crimes and rehabilitate victims. A lack of awareness and harmful public perception is a crucial area that requires strong action. We stress the importance of reducing 'pull' factors by empowering vulnerable communities and strengthening criminal justice systems, as well as the facilitation of independent reviews into the impact of sex and drug laws with a view to reducing demand for trafficking. We also propose tighter controls and safeguards within businesses, particularly multi-national corporations with complex supply chains, and improved education programs that focus on spotting the signs of victims of slavery and trafficking for both the public and frontline staff. Moreover, the continued conflation of illegal migrants and trafficking victims at a domestic level must be addressed and resolved.

Above all, there is the continued prosecution of victims of slavery as they have been forced to carry out illegal activity. We recommend a new internationally recognised legal status for victims of slavery and trafficking, which would allow them to be more easily identified and to access vital rehabilitation facilities, such as mental and physical health care, rather than face prosecution. This status must consider that many cross-border victims of slavery and trafficking will fulfil refugee status and are too vulnerable to return to their original country; these individuals must be granted asylum.

Our delegates are concerned that the term 'modern-day slavery', frequently used in official and legislative documents as an umbrella term to encompass all forms of slavery, dilutes the impact of slavery in the mind of the general public. No other crime has been rebranded in the contemporary era in such a manner. We believe the use of the term 'modern-day slavery' dilutes the issue and erroneously assigns slavery to the historical period. This is a significant causal factor in the widespread belief that contemporary forms of slavery are less serious, or even that they no longer exist, thus contributing to the absence of this issue on political agendas and the denial of safety and justice to victims. As Changemakers we would like

¹ Ariel Foundation International, NGO without consultative status, also shares the views expressed in this statement.

slavery in the contemporary period to be viewed with the same gravity as historic slavery; moving away from the term 'modern-day slavery' is a vital step in this process.

Mental Health

The human rights of those suffering from mental disabilities, either permanently or temporarily, are another key concern of AFI Changemakers, and Changemakers delegates at the 2015 *Social Forum on Health and Access to Medicines* were extremely disappointed by the invisibility of mental health on the agenda of this important event. Our in-depth report, *Mental Health: An AFI Changemakers Report to the United Nations*, outlines key recommendations for including mental health in the global health agenda. This report reflects the fact that young people are disproportionately affected by mental health disabilities, and that inadequate treatment, diagnosis and awareness dramatically increase the likelihood of lifelong harm to this vulnerable demographic. One of the critical issues we raise is the inadequacy of the international legal framework concerning mental health. The inconsistent use of terminology, unclear definitions and legal ambiguity within the relevant international legal instruments, particularly the CRPD, continue to have a direct impact upon the human rights of those with mental disabilities.

Crucially, we believe that an improved awareness and understanding of mental disabilities will prevent sufferers from becoming victims of human rights abuses. Our vision is for a world where mental health is rightly afforded the same weight of funding and attention that physical health is, in recognition of the fact that there is no health without mental health.

Discrimination

As passionate young people, AFI Changemakers stands opposed to discrimination in all forms and against all groups. Our report, *AFI Changemakers at the United Nations: Report on Discrimination*, lists discrimination against children, the disabled, migrants, those of different ethnicities, religious groups or social classes, those who identify as LGBT+², and discrimination based on gender as areas that require urgent attention. We are deeply concerned by racial and religious discrimination, both within legal systems and institutions. One imperative is the existence of police forces that reflect the religious and ethnic makeup of the communities they serve. We would like to see all frontline officers equipped with body cameras where funds are available to increase accountability. Both these recommendations have been proven to improve relations between law enforcement and the public. Reviews at a national level should ensure sentencing is consistent across ethnic lines and adjusted accordingly if problems are identified.

We are heartened by the improving legal status of LGBT+ people in many parts of the world, with equal marriage in the Americas and Europe reducing legal discrimination in many countries. We are, however, gravely concerned by continued systemic and often violent discrimination against LGBT+ people in other regions. In particular, AFI Changemakers is absolutely opposed to the death penalty in all circumstances, and stresses that its use on LGBT+ people is a grave violation of human rights. It is absolutely imperative that the Human Rights Council continues to advocate for the rights of LGBT+ people at an international level. We would like to see an international policy or framework that addresses all aspects of LGBT+ rights, for example a treaty similar to CERD. As young people we demand an end to global discrimination against LGBT+ individuals and an end to homophobic and transphobic legislation. We recognise that discrimination is always a result of ignorance, and that this must be combatted through education and awareness; anti-discrimination curricula in schools is the most effective way for governments to reduce discrimination at a state level and ensure equality for all social groups.

²The term LGBT+ is used here to be inclusive of all persons who are lesbian, gay, bisexual, transgender or identify as any other sexuality or gender

Moving Forward

The views of young people are often dismissed or overlooked, but youth offer the most progressive perspectives on global issues and must be involved in the decision making process, particularly on those issues that affect them the most. We are heartened that the Secretary General has appointed an Envoy on Youth, and that the United Nations has expressed a clear willingness to work with young people. However there are many more steps that need to be taken before young people, from all backgrounds, are truly represented within the UN system.

2015 has already been an exciting year for AFI Changemakers, with the success of our *Social Forum on the Right to Health and Access to Medicines* side-event and *World Health Assembly Summit*. We are currently preparing for our annual Right to Development Summit, where we hope to double the number of participants and open up further access pathways to those for whom the UN would normally be out of reach, as well as running national foreign policy events. We are dedicated to the inclusion of young people at all levels of the decision-making process, and urge the Human Rights Council to ensure that the views of young people are heard. We welcome any opportunities for further involvement.

For full access to our published reports and other information, visit <http://www.changemakers-un.org/>.

*Ariel Foundation International, NGO without consultative status, also shares the views expressed in this statement.



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Promotion and protection of all human rights, civil,
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Written statement* submitted by the Verein Sudwind Entwicklungspolitik, a non-governmental organization in special consultative status

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Please recycle



Contemporary forms of Slavery in the I.R. Iran

In 1928, Iran passed a law¹ banning the sale and purchase of humans. Anyone who engaged in the purchase and sale of humans or acted as middleman or transported slaves was according to the law sentenced to 3 years imprisonment. However slavery in various forms had continued to exist in the country. This report will highlight the continuing, forms of modern slavery which, are still in practice.

The root causes of modern slavery derive from poverty, social exclusion, discrimination, cultural practices and violence against women. Contemporary forms of slavery in Iran are manifested in early child marriage, sexual slavery, sale and rent of children and the sale of wives for sexual exploitation. Some forms of slavery are embedded in the law and enforce traditional practices.

Child Early and Forced Marriage

Article 4 of the Iranian Constitution² makes the Islamic criteria, the base foundation of the law. According to Article 1041 of the Civil law, the father and paternal grandfather have the sole right to marry a girl of any age (even an infant) to a man of any age (pending permission by court). Consummation of marriage has no legal age boundary.

In 3.2014-3.2015 (Iranian calendar), 40404 girls below the age of 15 were officially married off.³

According to Article 1041, marriage of girls above 13 is permissible if the father or paternal grandfather approves. The court's approval is not necessary in such cases.

According to national organization for civil registration's statistics 114459 girls between 15 and 19 were married off official last year.³

Sale or Rent of children and child labour

Thousands of children work on the streets of the big cities especially Tehran. According to social workers' research 80 percent of these children are Afghan children who are often sold to or rented to criminal gangs, who send them on the streets to sell small items such as flower or chewing gums. The price of these children depending on age, sex and experience ranges from one to four million Tomans (around \$300-\$1200)⁴. The Iranian children who are sold or rented are mostly the children of those who migrate to Tehran and live in extreme poverty but also children of addictive families are included.

These children are highly at risk of sexual abuse, addiction and both physical and psychological violence. Another area of child labour is carpet-weaving industry which traditionally uses young girls, as their small fingers weave smaller knots and therefore better quality carpet.

Child and Drug Addiction

According to Fatemeh Daneshvar, Head of Social Committee at Tehran Municipal Council talking to "Iran Daily Paper" and referring to a documentary on the life of children forced to work⁵, those who one or both parents are drug addicts often become addicted by them and then sent to work at various places. Brick making factories, small mechanic

¹ <http://rc.majlis.ir/fa/law/show/91872>

² **Article 4:** All civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the fuqaha' of the Guardian Council are judges in this matter

³ <https://www.sabteahval.ir/Upload/Modules/Contents/asset99/eg93.pdf>

⁴ <http://iran-newspaper.com/Newspaper/BlockPrint/74262>

⁵ <http://www.aparat.com/v/igbYkr/>

workshops, rubbish collection sites are the most common places of work for these groups of children. Any income from such menial child labour goes to parents or the criminal gangs who either rent or buy them. There are no official statistics on children working in such varied places.

Prostitution

There exist no statistics on the number, age, social status and background of thousands of women who sell their bodies either on the streets of big cities or in special houses. It is understood that the age of prostitution is annually going down to even 12.

The root cause of forced prostitution in Iran is poverty, addiction and social depravation. There had been cases where the husband prostitutes his wife to cater for his addiction.

Traffic in Women and children to other countries

Iranian women and girls had been transported and traffic in to the neighbouring countries for prostitution. The gangs who deal with such activities use the country both as a source, a route and destination for smuggling women to and from neighbouring countries. Unfortunately, reliable statistics on the number of victims do not exist. The Islamic Republic of Iran does not permit research in any areas of contemporary forms of slavery and such social problem with its diverse forms is labelled as a "Security" matter. Therefore, field research, collection of data and publication of work has not been possible by independent experts until now. Iranian women and girls not only are exploited for forced prostitution and marriage inside Iran but also are sent to Pakistan, Turkey, Qatar, Kuwait, United Emirate Arab, Iraq, France and England.

Recommendations

- Providing statistics on child labour, homeless women, and sex workers in Iran.
- Implementation of laws, programs, and facilities to help women leave abusive relationships safely.
- The annulment of Articles in the Civil law and Family law which give free hand to fathers and paternal grandfathers to force girl children to forced, early marriages.
- Eradication of poverty as the root cause of child exploitation.
- Universal, free education for all children, awareness and prevention campaigns to stop the sale, rent and exploitation of children.
- Implementation of proper law and practice against criminal gangs and human traffickers who benefit specially from exploitation of women and children.
- Dealing with drugs and drug addiction, which, is an increasing social problem in Iran.
- Taking children who work on the streets and workshops and sweatshops into care and providing them with opportunities and access to education and a better future.



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Technical assistance and capacity-building

Written statement* submitted by the Association for Progressive Communications (APC), a non-governmental organization in general consultative status

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Freedom of Expression in Sudan*

Mindful of the fact that freedom of expression, a fundamental right in itself, is essential for facilitating national dialogue, consolidating the peace process, enhancing the democratic transformation and ensuring the rule of law, Sudan has witnessed a wave of censorship and other violations of the right to freedom of expression for years. The Sudanese Human Rights Defenders Network (SHRDN) is deeply concerned over an ongoing government crackdown on freedom of expression and harassment of journalists and human rights defenders.

The National Intelligence Security Service (NISS) routinely imposes restrictions on people's rights, including incidents of violence, arbitrary arrests, confiscation of newspapers' print runs, pressing legal proceedings against journalists, internet filtering and blocking, national shutdowns of communications networks, and other forms of intimidating measures targeting human rights defenders and journalists, including those who perform their work and activities online. The NISS Act (2010) gives security officers power to spy, to intercept the communications of any citizen without judicial permission, and to track them in real time.¹ Using sophisticated computer spyware and other technology, Sudan's NISS manipulates information and spies on the online communications of journalists, activists, HRDs and opposition parties.

A new draft of the Press and Publications Act has been tabled in the parliament, which includes articles restricting freedom of expression and internet media activities. The new draft law gives more power to the National Press and Publications Council, a governmental body, to impose fines, punish newspapers, and cancel newspapers' registrations as well as journalists' licences.

The SHRDN expresses deep concerns about the repression of journalists as well as the targeting of media institutions via pre-publication and post-publication censorship. Journalists, columnists and opinion writers are prohibited from writing or commenting on certain public matters that are considered "red lines", such as reports on corruption, human rights violations, especially in Darfur, reports on rape, and any news about the International Criminal Court case against Sudan.

According to Journalists for Human Rights (JHR)², 66 cases of confiscation of newspapers, detention, court cases and harassment of journalists have occurred since the beginning of this year. The government confiscated at least 45 issues of newspapers on different occasions in the last few months. The government recently announced in the local media that they will establish a special court for journalists, social media activists, advocates and bloggers.

Madeeha Abdela, editor in- chief of the newspaper *Al-Midan*, is facing a possible death sentence on a charge of crimes against the state brought by the NISS.³ The charges against her, brought on 13 January of this year, appear to have been prompted by an interview with one of the military commanders of the Sudan People's Liberation Movement-North (SPLM-N), a separatist movement based in North Kurdufan state. The government has banned all media coverage of Sudan's rebel movements.

During the April 2015 elections, the NISS carried out a repressive campaign against journalists and human rights defenders who reported on the elections, which were widely boycotted. Journalists were subjected to internal and

1 <http://www.giswatch.org/en/country-report/communications-surveillance/sudan>

2 <http://www.sudantribune.com/spip.php?article54822> **Error! Hyperlink reference not valid.**

3 <http://en.rsf.org/sudan-a-journalist-from-al-midan-21-01-2015,47523.html>

external pressure, and the NISS warned all newspaper editors not to publish any articles or news that shed light on "negative news" or any reports on the "weak turnout" at the elections.

The Sudanese Human Rights Defenders Network is deeply concerned over the security and safety of digital activists, HRDs, political opposition and youth activists, and the increasingly restrictive environment for journalists. Journalists' safety and security are threatened by the ongoing impunity for those committing violations against journalists. On 18 July 2014, armed assailants attacked Osman Mirghani, editor-in-chief of the newspaper *Al-Tayyar*, and the office's equipment was looted. Until this date no charges have been pressed against the assailants.

The SHRDN calls upon the United Nations Human Rights Council to urge the government of Sudan to respect its international and regional human rights obligations and to:

- End the harassment and arbitrary detentions of journalists, bloggers and human rights defenders.
- Respect human rights and fundamental freedoms, including freedom of expression and association throughout Sudan, in accordance with its constitutional and international human rights obligations.
- End media censorship and all forms of restrictions on freedom of expression and media freedom online and offline.
- Pass legislation and adopt practices to protect journalists and human rights defenders

*Sudanese Human Rights Defenders Network (SHRDN), NGO without consultative status, also shares the views expressed in this statement.



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Human rights situations that require the Council's attention

Written statement* submitted by the International Humanist and Ethical Union, a non-governmental organization in special consultative status

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Restrictive abortion laws, child abuse and the role of the church: sexual and reproductive health and rights in Latin America and the Caribbean

Ahead of the Global Day of Action for Access to Safe and Legal Abortion next month¹, the International Humanist and Ethical Union (IHEU) would like to put on record its serious concerns regarding the sexual and reproductive health and rights (SRHR) of women and girls in many of the Latin American and Caribbean Group (GRULAC) States.

In Chile, El Salvador and Nicaragua, abortion is prohibited altogether. In most other countries in the region, exceptions are provided only when necessary to save the woman's life and in certain other narrowly defined circumstances.²

Because of these limitations, many women seeking an abortion resort to purchasing abortion-inducing drugs, such as the ulcer treatment drug misoprostol, or go to "traditional practitioners" who use methods such as ingesting rat poison, or thrusting knitting needles, pieces of wood and other sharp objects into the cervix. Every year, one million women require hospital treatment as a result of unsafe abortions in the region;³ the number of deaths unsafe abortions cause is in the thousands.⁴

Across the region, women and girls have been imprisoned, charged with the crime of abortion. Last year in El Salvador, 16 were charged; six of them were under 17 years old at the time of the alleged offences.⁵

The ICCPR, the UDHR, and the CRC do not recognize a pre-natal right to life.⁶ Despite this, some GRULAC States justify their highly restrictive abortion laws on the grounds of protecting life prior to birth. These laws have repeatedly resulted in the withholding of critical, and sometimes lifesaving, medical treatment and have profoundly detrimental implications for women and girls in terms of their human rights, including the right to life.

Some recent cases include:

- In 2010, a 27-year-old Nicaraguan woman was diagnosed with an advanced form of cancer. Because she was pregnant, she was told she could not be prescribed aggressive chemotherapy or radiotherapy treatment. The woman delivered a severely malformed baby at seven months. She died 17 months later.⁷
- In 2013 in El Salvador, a 22-year-old woman suffering from lupus and kidney failure was refused an abortion despite being pregnant with an anencephalic foetus, and childbirth putting her life at considerable risk. The case provoked strong pushback from the Catholic Church, which used its sermons to condemn pro-choice advocates.⁸ One local pastor described the foetus' condition and the girl's illnesses as "a very good excuse" and encouraged the government to uphold the restriction against abortion.⁹

¹ <http://www.september28.org>

² http://www.guttmacher.org/pubs/TB_AWW-Latin-America.pdf

³ http://www.guttmacher.org/pubs/TB_AWW-Latin-America.pdf

⁴ http://www.who.int/reproductivehealth/topics/unsafe_abortion/article_unsafe_abortion.pdf,
http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/1AD9794%20Repro%20Rights_web.pdf

⁵ <https://www.amnesty.org/en/latest/news/2014/09/twelve-facts-about-abortion-ban-el-salvador/>

⁶ http://iheu.org/newsite/wp-content/uploads/2015/07/IHEU-Submission-on-Article-6-to-HRC_edited.pdf, §2

⁷ <http://www.theguardian.com/commentisfree/cifamerica/2010/feb/24/nicaragua-abortion-ban-amalia>

⁸ http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/1AD9794%20Repro%20Rights_web.pdf

⁹ <http://girlsglobe.org/2013/11/13/latin-americas-contraception-crisis/>

- In El Salvador, a teenager served four years of a 30-year sentence after being convicted of murder at age 17 for giving birth to a stillborn baby - despite the hospital finding no evidence that she had intentionally aborted the pregnancy.¹⁰
- Again, in El Salvador, a 33-year-old mother of two was sentenced to 30 years in prison after suffering severe complications giving birth. Whilst in prison, she was diagnosed with advanced Hodgkin's lymphoma, a condition which could have been caught earlier had the medical personnel treating her during her obstetric emergency noticed the condition. She died in prison in 2010, less than one year after her miscarriage.¹¹
- In Chile in 2010, a 28-year-old woman was denied both an abortion and treatment for cancer despite being pregnant with an anencephalic foetus.¹²

Notably, it is not just women in the region who suffer; the lack of SRHR protection also intersects with the abuse of children in the most cruel of ways; for example, when the pregnancy arises as a consequence of rape or child abuse.

Available data, while inadequate, suggests that the region of Latin America and the Caribbean exhibits some of the highest rates of family violence in the world, and that more than 80,000 die each year as result of it.¹³ According to UNICEF, 40 million children under 15 years of age suffer violence, abuse and neglect in the region.¹⁴

It has been reported that in Bolivia, 34% of girls suffered sexual abuse before age 18¹⁵ and, according to Amnesty International, in El Salvador alone in 2013, 1,346 rapes of women and girls were registered with the Police – with nearly two-thirds of those involving girls under 15 or classified as “mentally incapacitated.”¹⁶ In Paraguay, it is reported that two births a day occur among girls aged 10 to 14, and many are the result of sexual abuse by relatives and stepfathers.¹⁷

Some recent cases include:

- In Paraguay last year, a ten-year-old became pregnant after having been raped by her stepfather. She was taken to hospital by her mother, who asked that she be allowed an abortion; this was refused by the authorities, backed by the Church, and the mother was arrested as an alleged accomplice in her daughter's abuse (although she reported the abuse the previous year). The girl gave birth in August 2015, aged 11, by caesarean section. According to a doctor from the hospital, at the time there were two 12-year-old girls also waiting to give birth there.¹⁸
- According to a 2009 Amnesty International report, young girls in Nicaragua were found to be subjected to sexual violence by family or friends, and forced to give birth even when they were carrying their own siblings.¹⁹
- In 2013, a 14-year-old Chilean girl gave birth to her father's son. Her family wanted her to abort but the doctor

¹⁰ <http://www.npr.org/blogs/goatsandsoda/2014/09/22/320323339/why-a-teenage-mom-was-jailed-in-el-salvador-for-a-miscarriage>, <https://www.youtube.com/watch?v=g5Tmzo0M3Yk>

¹¹ <http://www.reproductiverights.org/press-room/center-for-reproductive-rights-files-case-revealing-the-horrifying-reality-of-el-salvador>

¹² <http://www.theguardian.com/commentisfree/2013/aug/27/abortion-rights-latin-america>

¹³ <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=539086>

¹⁴ http://www.unicef.org/lac/Boletin-Desafios9-CEPAL-UNICEF_eng.pdf

¹⁵ <http://www.economist.com/news/americas/21652331-latin-america-fails-protect-rights-and-lives-its-teenage-girls-suffer-children>

¹⁶ <https://www.amnesty.org/en/latest/news/2014/09/twelve-facts-about-abortion-ban-el-salvador/>

¹⁷ <http://www.reuters.com/article/2015/05/05/us-paraguay-abortion-child-idUSKBN0NQ0YB20150505?feedType=RSS&feedName=healthNews>

¹⁸ <http://globaltimes.cn/content/937100.shtml>

¹⁹ <http://www.amnestyusa.org/pdfs/amu430012009en.pdf>

refused.²⁰

- In 2013 in Chile, an 11-year-old became pregnant after she was repeatedly raped over two years by her mother's partner. At 14 weeks, she said she wanted to give birth to her baby and President Pinera praised her by saying her decision showed "depth and maturity."²¹

These appalling cases illustrate the horrific consequences of child abuse and teen pregnancy intersecting inhumanly with the rigid restrictions on abortion in many GRULAC States. They also demonstrate the role of the deeply conservative political and social climate in the region. Indeed, some have identified the indelible influence of the Catholic Church in forming views about women and reproduction in Latin America as a key reason for the severity of abortion laws and poor sexual health of so many women and girls.²²

For instance, in Brazil (where abortion is permitted in cases of rape or a medical emergency), after a 9-year old girl underwent a life-saving abortion having become pregnant with twins as a result of sexual abuse by her stepfather, the Catholic Church excommunicated her mother and the doctors who treated her. The head of the Pontifical Commission for Latin America defended the decision, saying that although the girl fell pregnant after being raped by her stepfather (following years of abuse), her twins had, "the right to live, and could not be eliminated."²³

In Nicaragua, human rights activists have argued that therapeutic abortion ban introduced in 2006 was the result of a re-election deal between President Daniel Ortega and the Catholic Church, a wealthy and powerful political player in this country.²⁴

Tied up in this religious and societal conservatism is deeply rooted gender inequality. In many countries in Latin America and the Caribbean, especially in poorer communities, women are seen as subservient to their spouses and sex is viewed as a duty to their partner. As Amnesty International points out (in the case of El Salvador) "such discriminatory stereotypes remain deeply rooted in a conservative and patriarchal culture which still relegates women to the sphere of social reproduction – a culture widely promoted, in part, by conservative forces including the Catholic Church hierarchy."²⁵

Conclusion and Recommendations

Deaths from unsafe abortion across the GRULAC States amount to thousands every year; yet many women could have their right to life respected if laws were changed guaranteeing them access to safe abortion.²⁶ Indeed, the liberalization of Uruguay's abortion legislation directly resulted in the dramatic reduction of the country's maternal mortality rates.²⁷ Clearly, preventing access to safe abortion is causing active harm in many States in the region.

²⁰ <http://www.channel4.com/news/latin-americas-abortion-shame>

²¹ <http://www.theguardian.com/world/2013/jul/10/chilean-president-praises-raped-pregnancy>

²² <http://www.economist.com/news/americas/21652331-latin-america-fails-protect-rights-and-lives-its-teenage-girls-suffer-children>,
http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/IAD9794%20Repro%20Rights_web.pdf,

<http://www.theguardian.com/commentisfree/2013/aug/27/abortion-rights-latin-america>

²³ <http://www.independent.co.uk/news/world/americas/brazil-rocked-by-abortion-for-9-year-old-rape-victim-1640165.html>

²⁴ <http://pulitzercenter.org/reporting/central-america-nicaragua-abortion-ban-women-youth-girls-rape-victims-sexual-abuse-pregnancy-maternal-health-illegal-prochoice-activists-puberty-laws-childhood-fear>,
<http://www.theguardian.com/commentisfree/cifamerica/2010/feb/24/nicaragua-abortion-ban-amalia>

²⁵ http://www.amnestyusa.org/sites/default/files/on_the_brink_of_death.pdf

²⁶ http://apps.who.int/iris/bitstream/10665/75173/1/WHO_RHR_12.01_eng.pdf

²⁷

http://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/IAD9794%20Repro%20Rights_web.pdf

Reproductive rights are human rights. The right to health, as understood by human rights law, includes reproductive rights and compels States to comply with such standards. Accordingly, the IHEU urges HRC members and observer States to raise the issues outlined in this statement with the concerned countries, and to call on them to:

- Recognise that restrictive abortion and contraception laws constitute significant barriers to women fulfilling their SRHR.
 - Remove any criminal sanctions on reproductive health services.
 - Guarantee access to justice for reproductive rights violations by enshrining SRHR into their laws, guaranteeing women adequate resources to access civil remedies and reinforce judicial remedies with national human rights institutions.
 - Release all women and girls who have been detained or imprisoned in relation to undergoing abortions or for having miscarriages.
 - Tackle abortion-related stigma and seek to eliminate gender discrimination and damaging gender stereotypes, which provide the backdrop to the denial of health services to women and girls in the region.
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General Assembly

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Human Rights Council
Thirtieth session
Agenda item 5
Human rights bodies and mechanisms

Written statement* submitted by the Association for Defending Victims of Terrorism, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15237(E)



Please recycle



Terrorism, Violence, and Extremism

Terrorism, Violence, and Extremism are the most dangerous threats of the world and the most important factor of crisis, insecurity and atmosphere of horror and terror in humanity.

The significant change in the nature, structure, and performance of terrorist groups like ISIS, Boko Haram, al-Qaeda etc has led to spread of the threats of terrorism in the world. Using social networks, visual media and methods of propaganda has attracted a large number of people to such inhuman thoughts. Thus, taking serious measures on fighting against terrorism, violence, and extremism is necessary.

Confirming and emphasizing the anti-terrorism activities of international bodies including Human Rights Council and Security Council, believing in the necessity of international cooperation to combat terrorism, reminding the need for the states to adhere to their international responsibilities and playing role in commitment to UN resolutions in combating and preventing the spread of terrorism, Association for Defending Victims of Terrorism states that:

- 1- Terrorist groups and cults are the result of the political and double standard views of world powers on the heinous phenomenon. It is crucial to adopt a firm stance against terrorists' activities, condemn their acts, and regard international laws in fighting against terrorism.
 - 2- Terrorism, violence, and extremism are the results of ignorance, prejudice, poverty, underdevelopment, tyranny and colonialism and the real way to fight it requires fundamental actions in political, social, and cultural issues. Therefore, it needs the effective role of international and human rights bodies.
 - 3- According to article 4 of the resolution of the World against Violence and Extremism (WAVE), we call on states and international bodies to take effective measures against all forms of extremism and cult violence and step towards a world without terror, violence, and extremism.
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United Nations

A/HRC/30/NGO/131



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Human Rights Council

Thirtieth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

GE.15-15238(E)



Please recycle



Joint written statement* submitted by International Youth and Student Movement for the United Nations, non-governmental organizations in general consultative status, Asociación Española para el Derecho Internacional de los Derechos Humanos AEDIDH, American Association of Jurists, Amman Center for Human Rights Studies, Apne Aap Women World Wide (India) Trust, Armenian Constitutional Right-Protective Centre, Association Dunenyo, Association of War-Affected Women, Association pour l'Intégration et le Développement Durable au Burundi, Atheist Alliance International, Aube Nouvelle pour la Femme et le Développement, Autre Vie, BADIL Resource Center for Palestinian Residency and Refugee Rights, Bangladesh Nari Progati Sangha, Center for Development of Civil Society, Centre d'accompagnement des alternatives locales de développement, Centre for Democracy and Development, Commission africaine des promoteurs de la santé et des droits de l'homme, Foundation for Human Horizon, Foundation for the development of knowledge Suma Veritas, Humanitaire Plus, Institute of Global Education, Institute of Noahide Code, International Career Support Association, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Institute for Child Protection, International Organization for the Elimination of All Forms of Racial Discrimination, Khiam Rehabilitation Center for Victims of Torture, Labour, Health and Human Rights Development Centre, Lama Gangchen World Peace Foundation (LGWPF), Lawyers' Rights Watch Canada, Marangopoulos Foundation for Human Rights, Organisation internationale pour les pays les moins avancés (OIPMA), Public Services International, Réseau des Organisations Féminines d'Afrique Francophone, Réseau International des Droits Humains (RIDH), Save the Climat, Shirley Ann Sullivan Educational Foundation, Solidarité Agissante pour le Développement Familial (SADF), Sun Charity USA, Tandem Project, The, The Children's Project, Inc., United Nations Association of San Diego, United Religions Initiative, Women's World Summit Foundation, World Association for Psychosocial

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Rehabilitation, World for World Organization, Yayasan Pendidikan Indonesia, non-governmental organizations in special consultative status, Arab NGO Network for Development, Dzeno Association, Indian Council of South America (CISA), Institute for Planetary Synthesis, International Society for Human Rights, Share The World's Resources (STWR), non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

The right to peace as a condition for a democratic and equitable order*

In 2011, the Human Rights Council established the mandate of independent expert on the promotion of a democratic and equitable international order, affirming that a democratic and equitable international order requires, *inter alia*, the realization of the right of all peoples to peace.¹

A few months later, in July 2012, the Human Rights Council established the Intergovernmental Working Group entrusted with the preparation of the United Nations declaration on the right to peace,² on the basis of the draft declaration adopted by the Advisory Committee in 2012,³ which had embodied 85% of the standards proposed by the Santiago Declaration on the Human Right to Peace, adopted by civil society in 2010.

Three years later, we regret that the mandate has been totally forgotten and the codification process has been suspended with no advancement. Indeed, the Chairperson-Rapporteur submitted to the Human Rights Council on 25 June 2015 his report on the third session of the Working Group,⁴ which was held in Geneva in April 2015, including his third draft declaration on the right to peace. The title, several preambular paragraphs and the three articles proposed in the draft appeared in square brackets, revealing the objections of the States, even though the draft did not recognize the right to peace or any of its essential elements. The Chairperson-Rapporteur concluded that it was not possible to reach a consensus on the draft declaration, and invited the Human Rights Council to assess whether the international community was in a position to further develop the right to peace in a consensual manner at this time.

Finally, the Chairperson-Rapporteur referred to the commemoration in 2015 of the 70th anniversary of the establishment of the United Nations Organization to invite the States to conclude the codification process, provided that an agreement could be reached in a consensual manner. If not, the States should respond to their civil societies for that failure.

The debate showed again the division of States on the codification process of this emerging right. On one hand, European States affirmed their rejection of the legal basis of the right to peace, but reiterated their willingness to discuss the linkages between peace and human rights. On the other hand, Latin American States, States belonging to the Non-Aligned Movement, and ASEAN Member States, defended the right to peace and the need to develop it in a declaration, therefore supporting the extension of the mandate of the Working Group.

Civil society organizations in turn, expressed their disappointment with the codification process through different oral and written statements, explaining that the provisions of the third draft declaration submitted by the Chairperson-Rapporteur were insufficient to recognize the human right to peace, since they did not define the emerging right or develop its elements, meaning no advancement in the current status of international human rights law.

Therefore, the 29th session of the Human Rights Council closed on 3 July 2015 without any State introducing a resolution requesting the extension of the mandate of the Working Group for one additional year. The lack of action by the Human Rights Council meant the suspension of the codification process of the right to peace.

¹ Resolution 18/6, of 29 September 2011, para. 6.

² Resolution 20/15, of 5 July 2012.

³ Doc. A/HRC/20/31, of 16 April 2012.

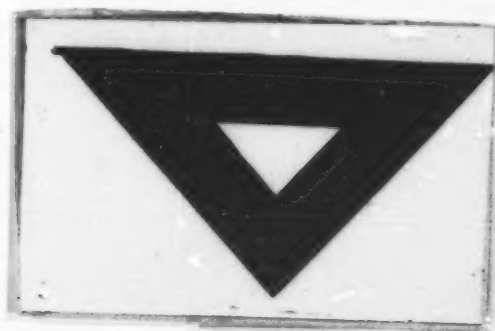
⁴ Doc. A/HRC/29/45.

Civil society organizations regret this suspension. We recommend that the Working Group resume its initial mandate and start a true negotiation on the elements of the human right to peace, based on the Advisory Committee's Declaration of 2012 and the Santiago Declaration of 2010. To this end, the consensus rule should be abandoned in favour of the majority rule (as established in Article 20 of the rules of procedure of the Human Rights Council), in order to prevent that a small number of developed States which reject the existence of the right to peace, from frustrating the aspirations of the majority of developing States and civil society organizations.

For its part, the Independent Expert on the promotion of a democratic and equitable international order noted in his 2014 report that peace is a condition for a just international order, necessitating good faith disarmament negotiations and a gradual transition from military-first budgets to human security budget⁵.

Consequently, civil society organizations call on States supporting the human right to peace to submit a draft resolution to the Human Rights Council at its 30th session, to extend the mandate of the Working Group, with a view to completing the United Nations Declaration on the Right to Peace, which would constitute an outstanding progress in the promotion of a democratic and equitable international order based on respect for universal human rights and adherence to the rule of law.

*Observatorio Internacional del Derecho Humano a la Paz, International-Lawyers.Org, CEPAZ – Centro de Justicia y Paz, SAFA (South Asian Feminist Alliance for ESCR), Women's Action Network Sri Lanka, Centro para la Paz y los Derechos Humanos de la Universidad Central de Venezuela (UCV), Peace Without Limits, Election Network in The Arab Region (ENAR), Arab Society for Academic Freedom (ASAF), Funpaz, Asociación por la Recuperación de la Memoria Histórica de Cataluña, Centre for Socio-Economic Development, Splendors of Dawn Poetry, The Populace Foundation International, Association Internationale des Droits de L'Homme (AIDH), Asociación Pro Derechos Humanos de España, Beati i costruttori di pace, Servicios y Asesoría para la Paz (México), Asociación Pro Derechos Humanos de Andalucía, On Earth Peace, COFAVIC, Mopotac - Africa, Bureau for Reconstruction and Development (BRD) Afghanistan, Venezuela Diversa A.C., The Liberties Group for Development and Human Rights (LGDHR), Korea PSCORE, SOVA Somalia, Bakhtar Development Network Global, Građanska alijansa - Civic Alliance, Prosalus, Democracy Today, Kashmir Institute of International Relations, RET, Protecting Through Education, TransConflict. NGOs without consultative status, also share the views expressed in this statement.



⁵ A/HRC/27/51, of 17 July 2014, pars. 68-73.